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WHY THE WAR CAME AS A SURPRISE

THE war fell upon us in the summer of 1914 as a terrible surprise. Hardly anybody had believed in its coming. A handful of dismal pacifists in the different countries, pointing to the growth of armaments, had uttered their vaticinations. Little knots of ardent militarists with their business companions, bent upon increased preparedness, talked confidently of the inevitable day, forgetting to reconcile their prediction with the preventive virtues which they attributed to warlike preparations. But few even of these extremists of either group seriously believed that war was imminent. There were, no doubt, a few in Germany and elsewhere who in the latter days believed in war because they had contrived it and resolved upon it. But for our immediate purposes these may stand out of the account.

It is this general surprise and the ignorance to which it testifies that demand explanation. How came it about that people of every grade of knowledge and intelligence were so utterly blind to the real state of the world in the spring of 1914? The unthinking have chosen to compare the event with some catastrophe of nature or to dramatize it as a desperate crime of the rulers of a single nation. But though there is an element of truth in both of these explanations, neither affords reasonable satisfaction. For to make such a catastrophe or such a crime seem possible, the whole world and the people in it must have been greatly different from what we thought them. Yet there was not one of the concrete issues which carried the seeds of strife, not one of the deep-seated divergencies of policy, nor

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one of the fierce suspicions, hates, ambitions and cupidities in which danger might lurk, that was not exposed to innumerable watchful eyes. There was no lack of knowledge of the danger areas or of the dangers which they held. But in spite of all this knowledge the general sense of security was not seriously shaken. It was as in the days of Noah but without the pretext the people then had for not listening to the warnings of a senile croaker.

This false sense of security was the product of a habitual misvaluation of the contentious forces and the checks upon them. The former were gravely underestimated, while heavily inflated value was given to the latter. Both errors are attributable to a single cause, an excessive appreciation of men's moral and rational attainments and of the part they actually play in the guidance of individual and collective conduct. The doctrine of the perfectability of man implicit in every higher religion, coupled with a faith in the power of enlightened self-interest to accomplish swift reforms in the fabric of human society, lay at the root of all the liberal revolutionary movements of the half century that followed the French Revolution. The world was so constituted that everyone, in striving to preserve his own life and to promote his own happiness, was impelled along lines of conduct that conduced to the welfare of others. But he was also a social being in feeling and will, capable of conscious effort for the good of others and taking pleasure in every task of mutual aid. Sometimes the stress was laid upon enlightened selfishness, sometimes upon the social emotions. In either case, human relations were believed to be grounded in rationality.

The greatest moral discovery of the nineteenth century, that man belonged body and soul to the natural world, and that the whole of his life and conduct was subject to the reign of law, had profound reactions upon social thought and policy, especially in the spheres of statecraft and industry. Though the immediate philosophic fruit of this discovery was determinism, this rational creed had nothing in common with the paralyzing fatalism charged against it by orthodox critics. On the contrary it suffered at the hands of its chief exponents from an

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excessive faith in the power of man to mould his destiny, adapting and creating institutions for his wholesome needs and desires with an ease and a celerity that made light of the human heritage of habits and attachments. It is impossible to follow the various currents of reforming zeal from Godwin, Shelley and the youthful Coleridge, through the more definite proposals and experiments of Bentham, Owen, John Stuart Mill and their philosophic-radical, chartist and social followers, without being confronted by a belief in man's power to be the arbiter of his fate quite staggering in the measure of its confidence. Bentham's contempt for history was indeed characteristic of his liberalism, which demanded a liberation as complete as possible from all trammels of the past. Though commonly coupled with repudiation of existing religious dogmas, this nineteenth-century rationalism conducted itself with the fervor of religious zeal.

The faith in reason rested upon two assumptions. First, that reason was by right and in fact the supreme arbiter in human conduct; and second, that a complete harmony of human relations was discoverable and attainable by getting reason to prevail in individual and national affairs. "Getting reason to prevail" meant opening wide the portals to knowledge and removing the positive barriers of law, traditions, prejudice and passion which blocked the play of enlightened self-interest. This faith, penetrating alike the individualism of Bentham and the socialism of Owen, may be regarded as a practical mysticism, deriving its nourishment partly from the philosophy of the Revolution, partly from the miraculous technology of the new machine industry. If applied reason can so immensely and so rapidly enlarge the bounds of material productivity, cannot the same power beneficially transform the entire structure of human society? Abundant wealth, equitably distributed among the producers by the operation of inevitable laws, would form the material basis of a new moral world. A free, instructed people would cooperate in a hundred ways for their mutual advantage. Though one of these ways would be the state, political democracy was not the chief concern. For in the rational world the coercive arm of society would have

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little scope. The functions of the state were to be purely defensive, directed to prevent the interference of one person with another within the national limits and of one nation with another in the wider world of states and governments. The reasonable will of individual citizens would preserve harmony and promote social progress within the several nations and in the wider sphere of humanity, if only free play were secured for it. The state was conceived of as an essentially artificial and repressive instrument whose operation should be kept at a minimum. Hence it came about that the early socialistic proposals commonly gave the state the go-by and based themselves upon the purely voluntary association of individual citizens. This limited conception of the state imparted a certain unsubstantiality to the radical and chartist agitations for an extended franchise and other instruments of political democracy. These agitations were rather the indices of popular discontents, rooted in the miserable social-economic conditions of the working classes, than a firm and natural expression of the popular will seeking incorporation in the state. That is why these agitations were dissipated in the mid-nineteenth century by small political concessions floated on the rising tide of a trade prosperity which gave relief and hope to the organizing artisan classes that represented the lower strata of political consciousness.

There was in the mid-century no clear recognition anywhere, save in a few eccentric or disordered brains, of the necessity and feasibility of converting and enlarging the machinery of government into a means of so controlling industry and distributing its fruits as to secure a reasonable livelihood for all and to remedy the palpable injustices in the apportionment of this world's goods. There had been plenty of shrewd and trenchant exposures of the abuses of land ownership and of the factory system with their related evils of unemployment, sweating wages, oppression of child life, unsanitary housing, poor law degradation and the like. But though the state was looked to for supplying certain minor safeguards, the liberative tide was still in the ascendant, and the free play of enlightened self-interest in competitive industry was still the animating faith of the friends of popular progress.

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This typical middle-class sentimental rationalism long succeeded in diverting popular self-government from all thoughts or plans of economic democracy. Though Mazzini, as early as the late thirties, had made his brilliant exposure of the futility of a political revolution which left the keys of industrial masterhood in the hands of a new capitalistic oligarchy, neither the mind nor the circumstances of any great people were ripe for its reception. The nationalistic spirit, guided by bourgeois leaders and ambitions, was a dominant factor in the continental revolutions of the mid-century, and the economic communism which flared up for a brief period in the large French cities was in reality little more than an ill-prepared by-product of a cooperative spirit which found more immediately profitable expression in trade-union and other non-political spheres of activity. The early socialism, alike of Owen and of the Christian Socialists of the next generation, must properly rank as a variant of this bourgeois rationalism, inspired with a larger measure of social compunction and with a more conscious reliance upon the forces of human comradeship. The deep sentimentalism in which men like Kingsley and Maurice steeped their teaching should not hide this essential truth. So long as the firm faith in a natural harmony of interests, personal and national, operating either through competition or the private cooperation of individuals, continued to be the prevailing creed of social reformers, there was little hope of effective organic reform. For neither the harder rationalism of the Manchester School nor the softer of the early socialism was capable of yielding a nutritious and stimulating gospel to the people. Its essential defects were two. The first was this open and persistent cleavage between political and industrial advancement, serving to enfeeble the democratic movement by removing from its scope the most vital and appealing issues. The second was the naively middle-class character of the politics and economics. In national and still more in local politics the new well-to-do business classes with their professional retinue were obtrusively dominant in all issues which touched either their pockets or their class pride. Their dominance was not seriously impaired by the several extensions of the franchise succeeding the Re-

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form Act of 1832, which first put them in the saddle. Their superior wealth, control over employment, dominant personality, prestige and organizing power kept in their hands the levers of politics and enabled them with no great difficulty to influence and manipulate the widening working-class electorate. They continued to use this power so as to encourage the belief that substantial equality of opportunity existed and that personal character was everywhere an assured road to success and prosperity, while they prolonged the career of liberalism by concentrating the party struggle on numerous separate little liberative missions, conducted slowly and piecemeal, thus staving off the bigger organic reforms that were emerging in the new radicalism of the later half-century.

It was not a conscious statecraft, but the instinctive self-defence of the bourgeois politician. A free scope for private competitive enterprise alike in domestic, industrial and foreign trade, with such personal liberties and opportunities of education, movement, choice of trade, thrift and comfort for the workers as would keep them industrious and contented with their lot and with the economic and political leadership of the employing middle classes—such was the prevailing thought of the men who boasted themselves the backbone of the country. It was not necessary or desirable to make it into a theory or a system. For that process was rather a hindrance than an aid to practice. Though able exponents of the theory presented themselves, the ruling bourgeoisie assimilated only fragments of the teaching. From their authoritative economists they took a few convenient dogmas, such as the law of rent and the wage fund, for weapons in their encounters with land owners, trade unions and meddling philanthropists. Their political philosophers and lawyers furnished a little rhetoric about freedom of contract, personal rights and the limits of legislative and administrative government, with which they eked out a confined but serviceable policy for their dealings with the state. The larger complexity of the philosophic radicalism never entered the brains or hearts of these hard practical men who knew what they wanted and meant to get it. Even the simpler gospel of Cobden, with its glow of moral fervor, had too much theory in

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it to prove acceptable to more than a little handful. His lamentations over the desertion of his principles of cosmopolitanism by the majority of those who heard him gladly when he led them to cheap food and prosperous export trade, are an instructive testimony to the disinclination of the new dominant class for any coherent social thinking. The fate of the socialistic doctrines that later in the century displaced the mid-Victorian individualism was very similar. Neither the proletarian brand which German revolutionists had manufactured from the materials exported from this country and reexported a generation later, nor the superior academic brand compounded of Rousseau, Hegel and T. H. Green, which, mixed with Jevonian economics, nourished the young lions of Fabianism, found any wide or deep acceptance among any class of our people. This, of course, does not imply that they were negligible as impelling or directive forces in the political and economic movements of the age. For though ideologists vastly overrate the general influence of their ideas and *isms* in moulding human affairs, the cumulative value of the particular thoughts and sentiments and even formulas which they suggest to politicians, business men and practical reformers, has been considerable even in England, the country least susceptible to the direct and conscious guidance of ideas. What practical men take from theorists in Britain is pointers along roads that circumstances have already opened up for possible advance. Just as the theorizing of Adam Smith and Ricardo, working through the agitation of the anti-corn law leaguers, drove Peel and his politicians into a piecemeal free trade, so the new thinking on the positive functions of government led the municipal reformers of the eighties and nineties to tackle with more confidence their gas-and-water-socialism and still later helped to remove some obstinate barriers to the development of national services for health, education and insurance.

Although there is a natural tendency just now to overstress every antithesis between our ways and those of Germany, it cannot be denied that a wide difference has existed in the operative force of theories and systems in the two countries. The disposition and the habit of working from thought-out purposes

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through plans to concrete arrangements is justly cited as the peculiar quality of Prussian social craft, from the time at least of Stein and Humboldt onward. Nor is it by any means confined to high politics. The contrast with our ways is even more striking in the subsidiary realms of education, transport, credit, town planning, insurance and industrial structure. Compare the development of our so-called railway system, our banking, the unregulated spread of our great cities or the emergence of our business combines with those of Germany. Our way has been that of groping empiricism, not merely not believing in theories and preconcerted plans but even disbelieving in them. There may at first sight seem to be an inconsistency between this view of our national way of going on and the rationalistic error which we found at the root of our failure to understand the state of the world in 1914. The contradiction, however, is only apparent, for at the root of our refusal to think things out in advance, to arrange consciously the forces adequate to attain a clearly conceived end, is a sort of half belief and half feeling that it doesn't pay to think things out. Our practice of tackling difficulties when they come, improvising ways of overcoming them, and in general of muddling through, we really hold to be a sound policy. Nor is this judgment or sentiment sheer mental inertia or mere inability to think straight or far. It drives down to that rationalism which I have identified with practical mysticism in a conviction of the existence of some order in human affairs along the tide of which we may reasonably allow ourselves to float with confidence that somehow we shall reach the haven where we would be. We are opportunists on principle. That principle implies belief in a generally favorable drift or tendency, or even a Providence upon which we may rely to see us through and which dispenses with the obligation to practice much forethought. In America this is called the doctrine of manifest destiny. But we feel that even to make a conscious doctrine of it interferes with its spontaneity. The great historical example of this way of life is our empire, rightly described as built up in "a fit of absence of mind." To Teutonic statecraft such a statement ranks as sheer hypocrisy, but none the less it

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is the truth. Individual builders there have been and bits of personal planning, but never has the edifice of empire presented itself as an object of policy or even of desire to our government or people. Its general purpose can be found only in terms of drift or tendency. It will no doubt be urged that irrationalism is a more appropriate term than rationalism to describe this state of mind. But my point is that the state of mind implies the existence of some immanent reason in history working toward harmony and justifying optimism. Reason in the nature of things happily dispenses with the painful toil of clear individual thinking.

These general reflections may help to explain the universal surprise at the collapse of our world in 1914. For whether we regard the theorizing few or the many content with practice, we find no perception of the formidable nature of the antagonisms which for several generations had been gathering strength for open conflict. Even the historical commentators of today, as they survey and group into general movements the large happenings of the nineteenth century, often exhibit the same blindness which I have imputed to the current theorists. The smooth bourgeois optimism which characterised the liberal thinkers of the mid-century in their championship of nationalism, parliamentary institutions, broad franchise, free trade, capitalistic industry and internationalism, is discernible in the present-day interpreters of these movements. Take for example that widest stream of political events in Europe designated as the movement for national self-government. Historians distinguish its two currents or impulses, one making for national unity or government, the nation state in its completeness, and another seeking to establish democratic rule within the state. Correct in regarding this common flow and tendency of events as of profound significance, they have usually over-valued the achievements. On the one hand, they have taken too formal a view of the liberative processes with which they deal, and, on the other, they have failed to appreciate the flaws in the working of the so-called democratic institutions.

The reign of machinery, the outward and visible sign of nineteenth-century progress, has annexed our very minds and pro-

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cesses of thinking. Mechanical metaphors have secretly imposed themselves upon our politics and squeezed out humanity. That willing communion of intelligence which should constitute a party has become in name and in substance a "machine"; politics are "engineered", and divergent interests are reconciled by "balance of power". I should be far from describing the great nationalist movement of the nineteenth century as mechanical. It was the product of passionate enthusiasms as well as of the play of reasonable interests. The struggle for liberation on the part of subject nationalities and for unification in the place of division broke out in a dozen different quarters during the first half of the century, and the two following decades saw the movement not indeed completed, but brought to a long halt in which splendid successes were recorded. In some cases, as in Germany and to a less extent in Italy, dynastic, military, fiscal and transport considerations were powerful propellers toward unification. But everywhere a genuinely national sentiment, based on a varying blend of racial, religious, linguistic and territorial community, gave force and nourishment to the new national structure. Its liberative and self-realizing virtues were not garnered in Europe alone. The foundations of the nationhood of our great oversea dominions were laid in the colonial policy of this epoch, while the breaking-away of the Spanish-American colonies from their European attachment caused a great expansion of national self-government in the new world. But nationalism, regarded as the spirit and the practice of racial and territorial autonomy, has borne an exceedingly precarious relation to democracy. It has been consistent with the tyrannous domination of a dynasty, a caste or class, within the area of the nation. Indeed at all times the spirit of nationality has been subject to exploitation by a dominant class for the suppression of internal discontents and the defence of privileges. Stein, Hardenburg, Bismarck and Treitschke used the enthusiasm of nationalism to fasten the fetters of a dominant Prussian caste upon the Germanic peoples. The struggles for the maintenance of the recovery of Polish and Hungarian national independence were directed by the ruling ambitions of an oppressive racial and economic oligarchy.

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Professor Ramsay Muir, in his interesting study of the relations between nationality and self-government in the nineteenth century, greatly overstrains the actual association of the movements. If self-government signifies, as it should, the direct participation of the whole people in its government, though some temporal coincidence appears, there is as much antagonism as sympathy in the actual operation of the two tendencies in modern history. Nationalism is used as often to avert as to foster democracy. For although the appeal to the racial unity and common spirit of a people for the assertion of its integrity and independence must indisputably tend to arouse in the common people a dignity and a desire to have a voice in public affairs, the leadership and prestige of military or political champions in the struggle may often suffice to foster or extort a servile consent of the governed as a feeble substitute for democracy. Indeed, it is precisely on this negative attribute that Professor Muir relies when he insists that "the land-owning aristocracy of the eighteenth century ruled Britain by consent" and that in Britain, France and Belgium after 1830, the "effective popular control of a government was henceforth solidly established." But the failure of a subject people or a subject class to revolt against its rulers is no true consent. Nor does the irregular connection between nationality and parliamentary government go far toward identifying nationalism with democracy as the typical achievement in the politics of the nineteenth century. None of the extensions of the franchise in Britain in the nineteenth century secured full and effective self-government for the people or even for the enlarged electorate regarded as representative of the people. Historians and politicians alike have deceived themselves and others by a grave over-valuation of mere electoral machinery. Neither by the popularization of the franchise nor by the less formal operation of public opinion has the reality of democratic government been secured. The power of the aristo-plutocracy, somewhat changed in composition and demanding more cunning and discretion for its successful operation, still stands substantially unimpaired in Britain, France and America. Through the organs of public opinion the governing few still pump down

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their will upon the electorate, to draw it up again with the formal endorsement of an unreal general will or consent of the governed.

The conviction that political security and progress are made effective by the union of national independence and representative government rests upon a totally defective analysis, which was responsible in no small measure for the failure to forecast and to prevent the collapse of 1914. The nature of the flaw in this reasoning is slow to become apparent to the middle-class intelligence necessarily approaching public affairs with the prepossessions of its class. We can best discover it by turning once more to the defects of nationalism. The first we have already indicated, *viz.*, the masking of the interests or ambitions of a ruling, owning, class or caste in the national movement. Nationalism is often internally oppressive. But a second vice bred of struggle and the intensity of self-realization is an exclusiveness which easily lends itself to fiscal or military policies of national defence, through which dangerous separatist interests are fostered within the national state. The spirit of nationalism, stimulated by the struggle for independence, easily becomes so self-centered as to make its devotees reckless of the vital interests of the entire outside world. To Irish Nationalists, Czeckoslovaks or Poles, this vast world struggle has been apt to figure merely or mainly as their great opportunity for the achievement of a national aim to which they are willing to sacrifice without a qualm the lives, property and rights of all other peoples. This absorbing passion, like others, is exploited for various ends and is the spiritual sustenance of the protectionism that always brings grist to the commercial mill. But there is a third defect of nationalism, of the nature of excess. It may become inflated and express itself in political and territorial aggrandizement. Imperialism is nationalism run riot and turned from self-possession to aggression. No modern nation can pursue a policy of isolation. It must have foreign relations, and its foreign policy may become "spirited", passing rashly into schemes of conquest and annexation.

These three perversions of nationalism, the oppressive, the exclusive and the aggressive, are all grounded in the domina-

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tion of a nation by a predominant class or set of interests. This class power is rooted often in traditional prestige, but this prestige itself rests upon solid economic supports. Landlordism and serfdom, capitalism and wagedom, moneylending and indebtedness—such have been the distinctive cleavages which have so often made a mockery of the boasted national freedom.

If we turn from this survey of nineteenth-century nationalism to a consideration of the democratic movement with which it has been associated, we discover that "democracy" is vitiated by the same defects. It either signifies parliamentarism upon an utterly inadequate franchise, by which the majority of the governed have no electoral voice, or else the formal government by the people is a machine controlled for all essential purposes by small powerful groups and interests. Political democracy based upon economic equality is as yet an unattained ideal.

The liberal political philosophy of the Victorian era failed entirely to comprehend this vital flaw in the movement of nationalism and democracy. That failure was chiefly caused by its underlying assumption that politics and business are independent spheres. According to this view it was as illicit for business interests to handle politics as for government to encroach upon business interests. Such interference from either side appeared unnecessary and injurious. It was not perceived that the evolution of modern industry, commerce and finance had two important bearings upon politics. In the first place, it impelled business interests to exercise political pressure upon government for tariff aids, lucrative public contracts and favorable access to foreign markets and areas of development. Secondly, it evoked a growing demand for the protection of weaker industries, the workers and the consuming public, from the oppressive power of strong corporations and combinations which in many of the essential trades were displacing competition.

In other words, history was playing havoc with the economic harmonies upon which Bastiat and Cobden relied for the peaceful and fruitful cooperation of capital and labor within the nation and of commerce between the different countries of the

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world. Cobden valiantly assailed the militarism, protectionism and imperialism of his day and recognized their affinity of spirit and certain of their common business aims, but without any full perception of their economic taproot or of the rapid domination over foreign policy which they were soon destined to attain. The grave social-economic problems which have lately loomed so large in the statecraft of every country lay then unrecognized. Throughout the long public career of two such genuinely liberal statesmen as Cobden and Gladstone neither evinced the slightest recognition that the state had any interest or obligation in respect of the health and housing, the wages, hours and tenure of employment, the settlement of issues between capital and labor, or in any drastic reforms of our feudal land system. So far as they recognized these economic grievances at all, they deemed individual or privately-associated effort to be the proper and adequate mode of redress. Where government was called upon to intervene for liberative or constructive work, the superficiality of its treatment showed a quite abysmal ignorance of social structure. A generation in which the Artisans Dwelling Act of 1875, the Ground Game and Small Holdings Act of the early eighties and the factory acts of 1870 and 1878 ranked as serious contributions to a new social policy, is self-condemned for utter incapacity to see, much less to solve, the social problem. Such statecraft failed to perceive that the new conditions of modern capitalist trade and finance had poisoned the policies of nationality and democratic self-government and were breeding antagonisms that would bring class war within each nation and international war in its train.

Not until the eighties did these antagonisms begin to become evident to those with eyes to see. During the period from 1850 to 1880 Britain still remained so far ahead of other countries in her industrial development, her foreign trade, her shipping and her finance, that she entertained no fears of serious rivalry. Though our markets and those of our world-wide empire were formally open upon equal terms to foreign merchants, our traders held the field, and British enterprise and capital met little competition in European markets or in loans

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for the great railroad development in North and South America. Not until the industrial countries of the Continent had reconstituted their industries upon British models and had furnished themselves with steam transport, while the United States, recovered from the Civil War, was advancing rapidly along the same road, was any check put upon the optimism which held that England was designed by Providence to be the abiding workshop of the world. Throughout the mid-Victorian era our economists and social prophets, with a few exceptions, were satisfied with a national prosperity and progress which enriched business classes, while the level of comfort among the skilled artisans showed a considerable and fairly constant rise.

Internally, the economic harmony appeared, at any rate to well-to-do observers, to be justified by events. Externally, there seemed no reason for suspecting any gathering conflict from the fact that one great nation after another was entering upon the path of industrial capitalism. Why should the rising productivity and trade of Germany, the United States and other developing nations, be any source of enmity or injury to us? The economic harmonies were clear in their insistence that free intercourse would bring about an international division of labor as profitable to all the participating nations as the similar division of labor within each nation was to its individual members. It was impossible for the world to produce too much wealth or to produce it too rapidly for the satisfaction of the expanding wants of its customers. Foolish persons prated of over-production and pointed to recurrent periods of trade depression and unemployment. But the harmonists saw nothing in these phenomena but such friction, miscalculation and maladjustment as were involved in the processes of structural change and the elasticity of markets. As a noted economist of the eighties put it, "the modern system of industry will not work without a margin of unemployment."

All the same, several notable occurrences in the eighties ruffled the complacency of mid-Victorian optimism. One was the revelation of the massed poverty and degradation of the slum-dwellers in our towns and the searchlight turned upon working-class conditions in this and other lands by the compet-

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ing criticisms of Henry George and the newly formed Socialist organizations. The second was the rise in the United States of those trusts and other formidable combinations, which emerged as the culmination and the cancellation of that competition upon which the harmonists relied for the salutary operation of their economic laws. The third did not assume at first sight an economic face. It was the testimony to competing imperialism furnished by the Berlin Conference for the partition of Central Africa. This was the first intimation to the world of a new rivalry the true nature of which lay long concealed under the garb of foreign policy and was at the time by no means plain to the statesmen who were its executants.

Imperialism is not, indeed, a simple policy with a single motive. It is compact of political ambition, military adventure, philanthropic and missionary enterprise and sheer expansionism, partly for settlement, partly for power, partly for legitimate and materially gainful trade. But more and more, as the white man's world has been occupied and colonized, the aggrandizing instincts have turned to those tropical and subtropical countries where genuine white colonization is impossible and where rich natural resources and submissive backward peoples present the opportunity of a new and distinctively economic empire.

Since the compelling pressure for this greed of empire has been the main source of the growing discord in the modern world, it is of the utmost importance to understand how the discord rises and to see its organic relation to the class war within the several nations which has grown contemporaneously with it. If modern industrial society were closely conformable to the economic harmonies, the mobility and competition of capital and business ability would ensure that no larger share of the product should be obtained by the owners of those productive agents than served to promote their usual growth and efficiency, and that the surplus of the fruits of industry should pass to the general body of the working population in their capacity of wage earners and consumers, through the instrumentality of high wages and low prices. Combinations of workers would be needless and mischievous, for they could not increase the

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aggregate that would fall to labor, and the gains they might secure for stronger groups of workers would be at the expense of the weaker sections. It was to the interest of labor that capital and business ability should be well remunerated, in order that the increase of savings and of the wage fund should be as large as possible, and that the arts of invention and business enterprise should be stimulated to the utmost. For labor was the residuary legatee of this fruitful cooperation. It was, again, a manifest impossibility that production should outstrip consumption, for somebody had a lien upon everything that was produced, and the wants of men were illimitable. Thus effective demand must keep pace with every increase of supply. The notion that members of the same trade were hostile competitors, in the sense that there was not enough market to go round, and that, if some sold their goods, others would fail to sell, seemed a palpable absurdity.

Yet it was precisely these impossibilities and absurdities that asserted themselves as dominant facts in the operation of modern capitalist business. Every business man knew from experience that a chronic tendency to produce more goods than could profitably be sold prevailed over large fields of industry, that the wheels of industry had frequently and for long periods to be slowed down in order to prevent over-production, and that more and more work, money, force and skill had to be put into the selling as distinguished from the productive side of business. Every instructed worker knew that wealth was not in fact distributed in accordance with the economic harmonies, that much of it stuck in the form of rent and other unearned or excessive payments for well-placed capital and brains, and that the great gains of the technical improvements did not come down to "the residual legatee". Where free competition survived, it became cut-throat, leading to unremunerative prices, congested markets and frequent stoppages; when effective combination took its place, restricted output and regulated prices operated both in restraint of production and in the emergence of monopoly. Put otherwise, the weaker bargaining power of labor, pitted against the superior material resources, organization, knowledge and other strategic advantages of the

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land-owning, capitalistic and entrepreneur classes, left the former with an effective demand for commodities too small to purchase the products of the machine industries as fast as these were capable of providing them. The habitual under-consumption of the workers, due to the massing of unearned or excessive income in the hands of the master classes, has been the plainest testimony to the reality of that antagonism of interests within each nation which is dramatized as "class war". No smooth talk about the real identity of interests between capital and labor disposes of the issue. A real identity does exist within certain limits. It does not pay capitalists, employers, landowners or other strong bargainers to drive down wages below the level of efficiency. Nor does it pay labor, even should it possess the power, to force down "profits" below what is required, under the existing arrangements, to maintain a good flow of capital and technical and business ability into a trade. But wherever the state of trade is such as to yield a return more than enough to cover these minimum provisions, the surplus is a real "bone of contention" and lies entirely outside the economic harmonies. It goes to the stronger party as the spoils of actual or potential class war. Strikes and lockouts are not the wholly irrational and wasteful actions they appear at first sight. In default of any more reasonable or equitable way of distributing the surplus among the claimants, they rank as a natural and necessary process. However much we may deplore class war, it is to this extent a reality and does testify to an existing class antagonism inside our social-economic system.

I have already explained by implication how this inherent antagonism of classes contains the seeds of the wider antagonism of states and governments. The maldistribution of wealth, which keeps the consuming power of the people persistently below the producing power of machine industry, impels the controllers of that industry to direct more and more of their energy to securing foreign markets to take the goods they cannot sell at home and to prevent producers in other countries, confronted with the same necessity, from entering their home market. Here is a simultaneous drive for govern-

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mental aid: first, in protecting the home market from the invasion of foreign goods; secondly, in inducing or coercing the governments of foreign countries to admit our goods into their market on more favorable terms than those of other competing countries. Hence arise three policies, all pregnant with international antagonism. The protection, adopted primarily in order to secure home trade and keep out the foreigner, is a constant breeder of dissension among peoples and governments. Its secondary effect, to assist strong combinations within a country to stifle free competition and by imposing high prices to increase the volume of surplus profit, further aggravates the maldistribution of the national income, which we recognize as the mother of discord. For this increased surplus means a further restriction of internal consumption and a corresponding pressure for enlarged foreign outlets. More and more must the capitalist classes in each industrially advanced country press their governments for protection at home and a powerful bagman's policy abroad.

Protection, however, is only the first plank in this platform. The second is diplomatic and other pressure brought to bear on weaker states for trading privileges or special spheres of commercial interests, as in China and Persia, or for the enforcement of debt payment or other business arrangements in which private traders or investors demand redress for injuries. This last consideration introduces the third and by far the most important cause of international discord. The surplus income under modern capitalism, it must be recognized, cannot be absorbed in extending the productive machinery needed to supply our home markets. Nor can it find full remunerative occupation in the supply of foreign markets, either under the condition of free competition with exporters from other countries or by such trading privileges as those to which we have alluded. An increasing proportion of that surplus income must be permanently invested in other countries. This has been the most important factor in the economic and political transformation of the world during the last generation. Under the direction of skilled financiers an increasing flow of surplus or savings has gone about the world, knocking at every door of

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profitable investment and using governmental pressure wherever it was necessary. Special railway, mining or land concessions, loans pressed upon state governments or municipalities or in backward countries upon kinglets or tribal chiefs, the pegging out of permanently profitable stakes in foreign lands—these methods have been employed by strong business syndicates everywhere with more or less support from their government. Such areas, at first penetrated by private business enterprise, soon acquire a political significance, which grows along a sliding scale of slippery language from "spheres of legitimate aspiration" to "spheres of influence", protectorates and colonial possessions. Now, just as there are not enough home markets for goods or capital to take up the trade "surplus", so there is found to be not enough world market for the growing pressure of world capital seeking these outside areas of investment and the markets which go with them. More and more this pressure of financiers for profitable foreign fields has played in with the political ambitions of statesmen to make the inflammatory composition of modern imperialism. This imperialism is thus seen to be the close congener of the capitalism and protectionism that are the roots of class antagonism within the several nations. While it nourishes jealousies, suspicions and hostilities between nations, it also strengthens the master classes in every nation by forging the joint political and economic weapons of protection and militarism and crossing and so confusing the class antagonism by masquerading as "nationalism". Quite plainly the imperialist or capitalist says to the worker: "Come in with us in our great imperialistic exploitation of the world. This is the only way of securing the large, expanding and remunerative markets necessary to furnish full, regular employment at high wages. Come in with us and share an illimitable surplus, got not from under-paying you but out of the untapped resources of the tropics worked for our joint benefit by the lower races." This invitation to wholesale parasitism is openly flaunted by such bodies as the Imperial Development Resources Committee and is more timidly suggested in various new projects for harmonizing the interests of capital and labor on the basis of the de-

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velopment of capitalistic combinations. Were it successful, it would do nothing to heal the discord either between capital and labor in this country or between the divergent interests of capitalist groups in the several countries. Nay, even if it were extended by some international concert of western capitalist powers to a more or less complete control of the tropics, it would only enlarge the area of discord by arraying the ruling nations of the world against the lower races whom they had set to grind out wealth to be taken for the masters' consumption.

I must not, however, carry further at this stage this speculative glance into the possible future. For what concerns us here is to understand the sources of the blindness which caused the war to break upon us as a horrible surprise. I desire here to show that this blindness lay in a deep-seated misapprehension of the dominant movements of the century and particularly of the latest outcomes of perverted nationalism and capitalism in their joint reactions upon foreign relations.

We have seen these two dominant forces emerging and moulding the course of actual events. Nationalism and capitalism in secret conjunction produced independent, armed and opposed powers within each country, claiming and wielding a paramountcy, political, social and economic, within the nation and working for further expansion outside. This competition of what may fairly be called capitalist states, evolving modern forms of militarism and protectionism, laid the powder trains. The dramatic antithesis of aggressive autocracies and pacific democracies in recent history is false, and the failure to discern this falsehood explains the great surprise. Nowhere had the conditions of a pacific democracy been established. Everywhere an inflamed and aggrandizing nationalism had placed the growing powers of an absolute state (absolute alike in its demands upon its citizens and in its attitude to other states) at the disposal of powerful oligarchies, directed in their operations mainly by clear-sighted business men, using the political machinery of their country for the furtherance of their private interests. This by no means implies that states are equally aggressive, equally absolute and equally susceptible to business control. Still less does it imply that in the immediate causa-

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tion of the war conscious economic conflicts of interests were the efficient causes, or that direct causal responsibility is to be distributed equally among the belligerent groups. Indeed, the account of nineteenth-century movements here presented, if correct, explains why the German State became more absolutist in its claims and powers than other states, more consciously aggressive in its external policy and in recent years more definitely occupied with economic considerations. Its geographical position, its meagre access to the sea, its rapid recent career of industrialism, its growing need of foreign markets and its late entrance upon the struggle for empire, all contributed to sharpen the sense of antagonism in German statecraft and to make it more aggressive. The pressures for forcible expansion were necessarily stronger in this pent-up nation than in those which enjoyed in a literal sense "the freedom of the seas" and large dependencies for occupation, government, trade priority and capitalistic exploitation. The ruthless realism of German statecraft, its habitual and successful reliance upon military force, the tough strain of feudal tyranny and servitude, surviving in the spirit of Prussian institutions, served to make Germany in a quite peculiar degree the center of discord alike in its internal and its external polity. In the nation where Marx and Bismarck had stamped their teaching so forcibly upon the general mind, no great faith in the economic harmonies and pacific internationalism could be expected to survive. To these distinctively realistic forces must be added the subtler but not less significant contributions of Hegel and Darwin, working along widely different channels to give a "scientific" support to political autocracy, economic domination and an absolutist state striving to enforce its will in a world of rival states contending for survival and supremacy. Out of that devil's brew were concocted the heady doctrines of Treitschke and his school, to whose educative influences such extravagant importance is attached by those who seek to represent the whole German nation as privy to a long-preconcerted plan for war. That large romantic theories, claiming scientific or philosophical authority, have had, especially in Germany, a considerable influence in disposing the educated members of the ruling and

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possessing classes to accept policies of force in the internal and external acts of government that seemed favorable to their interests and prestige, there can be no doubt. We know also that in Germany and elsewhere among the class-conscious leaders of socialist and labor movements a sort of semi-scientific sanction for the use of violence in a class war that was an inevitable phase in the evolution of a "new" society was based upon the same biological misconception.

But we must not be misled by ideologists or heated pamphleteers into imputing an excessive value to these theories regarded as actual forces in conduct. Were this value what it is pretended in some quarters, the war would not have come as a surprise. It would have been expected. The wide prevalence of doctrines of "force", rivalry of nations and struggle for survival on a basis of social efficiency, were not in any real sense determinant factors in bringing about the war. Nor did they do more than mitigate in more reflecting minds the profound astonishment which accompanied the outbreak of war. The really operative causes were the deep antagonism of interest and feeling which this analysis has disclosed or, conversely, the feebleness of the safeguards against war upon which liberal and humane thinkers had relied, *viz.*, economic internationalism, democracy and the restricted functions of the state.

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THE CONSTITUTION OF THE PEACE CONFERENCE

THE Paris Peace Conference has usually and properly been viewed from the standpoint of what it accomplished rather than as a political structure. Yet the importance of the Treaty should not blind the student of political science to the significance of the Conference itself. It was not only the creator of the League of Nations; it *was* a League of Nations in being. So far as its "writ ran", that is in all parts of the world directly subject to the victorious powers or under the awe of their arms, the Conference was a true world government, though avowedly a provisional one.

The Conference was a legislative and executive as well as a constituent body. Other great peace congresses have to some extent combined the function of treaty-making with that of deciding questions incident to reconstruction after war. But never before were immediate issues so numerous and insistent as almost to eclipse the duty of formulating terms of peace. The greater part of the time of the Conference was devoted to efforts, by means of threats or persuasion, to reduce the European chaos to some semblance of order; work on the treaties occupied its leisure moments. While the Supreme Council was popularly supposed to be discussing such questions as "Where shall this frontier be drawn?" or "How much indemnity should we demand?", it was usually discussing such questions as "How can we stop the fighting in eastern Galicia", "How can we get the German army out of Latvia without letting in the Bolsheviki?", "How far dare we go in coercing Rumania to evacuate Budapest?", "Shall we sanction the landing of Greek troops in Asia Minor?" With respect to the handling of everyday problems, not directly related to the making of treaties, the Conference merely continued the war-time cooperation of the Allied and Associated Powers. Special agencies were created as need arose, such as the Supreme War Council, the Supreme Economic Council and, after the armistice, the numerous field missions of observation sent to those parts of the

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world where information could be obtained at first hand as to the conditions with which the Conference had to deal.

Perhaps the closest parallel to the Paris Peace Conference, in its structure and functions, is to be found in a revolutionary constituent assembly which combines the work of enacting a fundamental law with that of governing the nation until the permanent authorities can be constituted. The assemblies in France during the revolutions of 1789, 1848 and 1871 exhibit this combination of functions, as do the governments of all those nations of eastern and central Europe which have not yet completed their political organization.

Under these circumstances a certain type of structure almost inevitably develops. There will be (1) a single-chamber popular assembly, to which all other agencies are, theoretically at least, responsible; (2) a cabinet, ministry or executive commission, forming part of the assembly and yet often dominating it because of the need for rapid decision and masterful action; (3) a series of committees or commissions formed by the assembly or under its authority to relieve the cabinet and the assembly from the burden of detailed formulation of constitutional provisions. For the popular assembly substitute the plenary sessions of the Peace Conference; for the cabinet, the Supreme Council; for the committees, the "expert" commissions; add a Secretariat to act as a clearing house for information, correspondence and the keeping of records—and you have the Paris Peace Conference.

The Assembly of the Peace Conference, the plenary sessions at which all accredited commissioners of the Allied and Associated Powers were allowed to take part, was seldom convoked by the Supreme Council and then only for a formal purpose, such as giving assent in whole or in part to the terms of peace agreed upon. The plenary sessions were generally open to the press and to such members of the public as were able to secure tickets of admission. They formed excellent occasions for oratorical display and gave disappointed national representatives an opportunity to register their protest against decisions of the Supreme Council. I do not believe, however, that any important action was ever taken at a plenary session which had not been determined upon in advance.

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In spite of the public impression to the contrary, it was the bona-fide intention of the organizers of the Peace Conference to make the plenary sessions of the Conference of real importance in the framing of the treaties. A proof of this is to be found in the long discussions of the Supreme Council—which, as it turned out, wasted several valuable days in January—as to just how many commissioners each of the lesser nations should be allowed. Each of the Principal Powers had five, not including the separate representation of the British Dominions and India, but it was a matter of anxious consideration which of the other Allies should have one, two or three representatives. This was not a question of direct interest to the Supreme Council, which contained only representatives of the Principal Powers, nor did it affect the special commissions, which were not restricted in membership to persons of the rank of commissioner. The only body which contained all the commissioners and no one else was the Conference in plenary session.

Two considerations determined the virtual shelving of the public session: the need for secrecy and the need for speed. It was not the desire of imperialistic conspirators to keep their plots from public knowledge that led to secrecy, as is assumed by the radical press, but rather was it the need for compromise. Men like Lloyd George and Clemenceau were far more moderate and liberal in intimate conversation than they would have dared to be in public, with professional diplomats of their Foreign Offices attacking them for yielding to their Allies and the jingo press attacking them for being too lenient with the enemy. We can see the same thing any day in Congress, when a senator writes his bold defiances into the *Congressional Record* and makes his practical agreements in committee or in informal conferences.

The best known instance of this contrast between public and private policy was in the case of the Rhine frontier. The French wished to create an independent Rhenish Republic as a buffer state between France and trans-Rhenish Germany. The press and the politicians, the army and the civilian public, were all agreed on the subject, with the exception of the Socialist minority, which had pledged itself to oppose in any case what-

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ever the Government might do. Clemenceau himself desired it as much as anyone, and in open session he could not have retreated from this position without causing the fall of his ministry. But Clemenceau is a realist and an opportunist, and he knew that England and the United States would not consent to the arbitrary partition of Germany. He therefore abandoned the project and accepted instead the separate alliance with Great Britain and the United States, the disarmament of Rhenish Germany and a period of military occupation of the Rhineland.

Lloyd George had just won a general election by demanding the full costs of the war from Germany. He accepted a peace which limited German liability to a few stipulated categories of damage. This reversal of position, it is true, was not due so much to any opposition from the United States as to his own growing conviction and that of his colleagues that Germany was in no position to pay the whole of her debt to injured civilization. He therefore identified himself with the American position that the reparations to be demanded from Germany were conditioned by the terms of the armistice and did not include the "war costs" of the Allies. The British Premier was fully justified in changing his mind in the face of fuller evidence as to economic conditions in the enemy countries, but a "back down" in the face of a disappointed electorate and an enraged press would have been almost impossible. When statesmen change their minds, as when actors change their costumes, they do it behind the scenes and not before the footlights. Nor would Mr. Lloyd George have dared stand up so boldly for the plebiscite in Upper Silesia if his frank words had been made public in such a way as to wound Polish sensibilities and perhaps alienate Poland from the Western Allies.

The impossibility of reaching a solution in public after failing to arrive at one in private was well illustrated by what happened in the handling of the Adriatic question. Orlando and Sonnino, unlike Clemenceau and Lloyd George, would concede very little to the American and British Liberal policy of even-handed national self-determination. President Wilson was therefore forced to appeal to the Italian public against its imperialistic leaders. But once the fight was transferred to the

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open field, the Italian statesmen found retreat impossible. They did not wish to break up the Conference or alienate America, but they dared not abandon any Italian claims, however extreme, while Italy was aroused to national passion by an avowed diplomatic conflict with a foreign power. They were not a little alarmed at the result of their temerity in alienating the sympathies not only of the United States but even of England and France, but they were even more alarmed at the possibility of being outbid by d'Annunzio and the ultra-nationalists. Open diplomacy, in the one instance when it was tried, almost resulted in a broken Conference. Had it been employed on other occasions, the Conference would have dissolved in mutual hostilities before the Treaty could have been presented to Germany.

A far more important reason for abandoning the open session than the need for secrecy was the pressure of time. Haste is the deadliest enemy of parliamentary government, for it cuts off debate and deliberation. If the Peace Conference in full session had discussed all of the 440 articles of the German Treaty, to make no mention of treaties with other enemy nations or agreements among the Allies, they would still be debating. When time is master of the situation, only a very small body can consider and decide. The problem of the Conference was to conclude peace before the prolongation of war conditions had ruined what was still left of the political and economic stability of Europe.

The concentration of power in a few hands at Paris exactly parallels the growth of executive at the expense of legislative power in every belligerent country. The World War was directed by presidents, premiers and cabinets, not by parliaments. In war time the legislature becomes a machine to approve the credits and enact the measures demanded by the executive. The Paris Peace Conference met under war conditions and developed the type of organization appropriate to such conditions. Valuable time would have been saved if this had been realized earlier in the course of the Conference and the responsible heads of the Great Powers had come to an agreement on outstanding issues before the Peace Conference, in its broader sense, had been summoned to Paris.

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But inevitable as was the abandonment of open diplomacy the results were none the less unfortunate. Public confidence in the Conference waned in England, France and Italy, and in the United States it was lost altogether. This was due not only to the natural indignation of press and parliament at being excluded from all real contact with the Peace Conference, but even more to the poisonous atmosphere of suspicion, rumor and malicious invention which a censorship always creates. Secrecy, even of the most innocent sort, has always a flavor of conspiracy. When the people were not allowed to know what was really happening, they speculated freely about what might be happening, until the reputation of the Supreme Council among liberals became like that of the Jesuit order among ardent Protestants or that of the Masonic lodges among orthodox Roman Catholics. If the minutes of the Supreme Council could be printed verbatim, it would do much to restore the reputation of the leading men of the Conference. There are many things in these minutes which might embarrass Mr. Wilson or Mr. Lloyd George or M. Clemenceau—inconsistencies, errors of judgment and outbursts of temper—but nothing which would discredit them as honest, sincere and upright men, striving in all good faith to find the best solution of the problems which pressed upon them.

Owing to the fact that the Conference met rarely in plenary session and did nothing on its own initiative, the Supreme Council became, for all practical purposes, the real Conference. It acted by unanimous agreement, as a jury or a British cabinet acts. It gave formal sanction to every clause of every treaty before the plenary Conference was called on to ratify the completed work. The popular name for the Supreme Council was "The Ten", because it consisted of the Prime Minister and the Foreign Minister of each of the five Great Powers. But though there were only ten members of the Council, the sessions were often attended by a larger number. In addition to stenographers and secretaries, specialists were frequently summoned to give evidence on particular problems, and the representatives of minor powers often attended to plead the cause of their nationality. Thus in the Supreme Council there

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was a semi-public atmosphere, a tendency to speech-making and delay and a long series of mysterious and annoying "leaks". The faults which had made the plenary Conference impossible as an executive body were repeated on a smaller scale. Toward the middle of March it became evident that the Treaty with Germany would not be ready in time to meet popular expectation. Very little had been definitely accomplished except the plan for a League of Nations and the agreement to reduce the strength of the German army. Important territorial problems, especially those of the Adriatic and the western frontier of Germany, remained to be considered. The question of reparations was still in the hands of an expert commission.

President Wilson and Premiers Lloyd George, Clemenceau and Orlando decided, therefore, to meet for a few days for private conversation on the most important pending questions. It was not at first intended that these meetings should become part of the regular constitutional structure of the Conference. For the earlier meetings no minutes were kept, and even up to the time when the terms of peace were presented to Germany the record of debates was less full than the reports of the meetings of the "Ten" had been. But this inner council of the Supreme Council, this "war cabinet" within the ministry, as it were, came in time to assume the full powers of the Supreme Council.

The remnant of the Supreme Council, the five Foreign Ministers of the Great Powers, met as a separate committee of very inferior power and status to decide questions of a legal character or minor diplomatic issues. Even with respect to these matters the decisions of the Council of Foreign Ministers was not final, as everything which went into the Treaty did so over the signature of the "Four."

Nothing better marks the informal character of the organization of the Peace Conference than the great variety of names applied to its governing body. In the official minutes I have seen it variously designated as "The Council of Four", "The Heads of States", "The First Delegates of Powers with General Interests" and "The Supreme Council". The popular term was "The Council of Four", but this was not always

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strictly accurate. A Japanese delegate attended when the affairs of eastern Asia were under discussion, and the Italian member, Premier Orlando, was absent for weeks owing to the rupture on the Adriatic question. In one sense it is hardly an exaggeration to say that "three men made the Treaty with Germany in three weeks"; for nearly all the territorial and economic articles of the Treaty were discussed and approved by President Wilson, Premier Lloyd George and Premier Clemenceau during the last two weeks of April and the first week of May.

At the later meetings of the Council of Four a secretary was present, and, as previously in the case of the "Ten", an occasional expert or national representative was called in for special consultation. But the Council was always a small and compact body and therefore did its work rapidly. Frankness and informality marked the discussions of the Heads of States, who were, perhaps, rather glad to escape the influence of Foreign Office tradition and diplomatic etiquette, which had impeded the deliberations of the Ten. That the Treaty was ever completed is owing to the candor, good-feeling, common sense and spirit of mutual concession shown by its three chief architects.

After the departure of President Wilson and Premier Lloyd George the Supreme Council was continued under the name of "The Heads of the Delegations", a committee containing the chief remaining representative of each of the five Principal Powers. It carried to a conclusion the negotiations with Austria and Bulgaria. When the peace commissioners left Paris the name was once more changed, this time to "The Conference of Ambassadors". But though preserving the form of the Council, the Heads of the Delegations could not preserve the spirit, because, not being themselves responsible premiers, they had to refer important questions to their home governments. This caused endless delay: for example, the postponement of the Turkish settlement and the inability to arrive at an understanding with respect to the Adriatic. Diplomacy became once more a long-distance process.

The framing of the articles of the various treaties for presentation to the Supreme Council was the work of numerous com-

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missions and committees, corresponding in a general way to the committees of any national legislative body. A characteristic feature was the mingling of diplomatic and "expert" membership. At first it was intended to limit the personnel of the large permanent commissions to the commissioners plenipotentiary who were delegates to the Peace Conference, but in practice substitution prevailed, and specialists discussed and voted on entire equality with accredited commissioners. It was interesting to see some humble college professor, an expert on Esthonia or the Turkish debt, for instance, sandwiched in between two titled foreign ministers of Great Powers—and not infrequently laying down the law to them by virtue of superior knowledge of the question at issue!

The Powers were free to appoint anyone they chose on the commissions and to make changes whenever they wished. The one restriction adhered to was the limitation of the number of representatives of each nation at any given meeting. On the larger commissions two members were chosen by each of the Great Powers and five or seven others were elected by the lesser Allies. In this way the small nations did take some effective part in the work of the Conference, in spite of the failure of the Conference to do its work in plenary session.

Although the commissions could only recommend, their recommendations carried great weight with the Supreme Council. The labor clauses of the Treaty with Germany, for example, appear as Part XIII of the Treaty in almost exactly the form in which they left the Commission on Labor Questions. The economic clauses, too, Part X, were approved by the Supreme Council with but little alteration. The League of Nations Covenant, also, was the work of a commission; but since President Wilson and other important commissioners were represented on the League of Nations Commission, it may be considered to have had a certain diplomatic authority of its own.

This prominence of the expert is one of the features which distinguishes the Paris Conference from most peace congresses of the past. In no other delegation, not even the British, which had the largest staff of specialists, did men of science

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have so much influence as in the American delegation. The so-called "Wilson line" between Italy and Jugoslavia, for instance, was the work of the American experts on the Adriatic question; President Wilson did not formulate the American policy on this question but merely adopted and championed the views of his advisers. The same may be said of nearly every part of the German Treaty and of all the other treaties. President Wilson assumed sole responsibility for decisions and the outline of policy, but in matters of detail he relied on the special students of the problems in question. Most of these scholars were not State Department experts but university professors who had been drawn into the government service during the war by the "Inquiry", organized under Colonel House and rechristened in Paris the "Division of Territorial, Economic and Political Intelligence". Never before in history, perhaps, have the universities played so dominant a part in world statesmanship.

Some of the commissions, such as those on reparation and on ports, waterways and railways, were divided into sub-committees for the better handling of their complex problems. Numerous special committees were appointed directly by the Supreme Council for a particular task, such as drafting clauses to embody some decision reached by the Council. Often these committees completed their work in a single session and then dissolved.

An idea of the variety of these commissions and special committees can be given in a single example. In connection with the clauses on Poland in the Treaty of Versailles, a matter studied with exceptional care and the subject of prolonged debate in the Supreme Council itself, all of the following agencies took part:

1. The Polish Commission strictly so-called; a field mission sent to report on existing conditions and to make recommendations.

2. The Polish Commission in Paris, sometimes called the Polish (Liaison) Commission. This body made the original draft of the clauses of the Treaty.

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3. The Committee on the Eastern Frontiers of Germany; another body of experts appointed to revise the recommendations of the Polish (Liaison) Commission in accordance with the instructions of the Supreme Council.

4. The Central Committee on Territorial Questions; a territorial drafting committee entrusted with the duty of harmonizing the different parts of the Treaty dealing with territorial cessions, especially with respect to nationality and the right of option in the transferred areas.

5. The Commission on New States, which drew up the Treaty with Poland guaranteeing the rights of national minorities within the new boundaries, as well as similar Treaties with Czechoslovakia, Greece, Jugoslavia and Rumania.

6. The Commission on Ports, Waterways and Railways, which dealt with the status of the Vistula and the communications between East Prussia and the rest of Germany.

7. The Drafting Committee.

8. Special committees and informal conferences of experts on particular points.

The Drafting Committee somewhat belied its modest title. It was charged not only with the duty of putting the treaties into sound legal form and eliminating duplications found in different parts and sections, but it also undertook the original preparation of many articles of a formal or routine character, or for which precedent existed in treaties already concluded. It even ventured to call the attention of the Supreme Council to inconsistencies in substance in the articles approved at various times and to ask for their reconciliation. It may be compared with the "legislative drafting committees" recently established in some American states to aid the amateur efforts of the legislatures.

The newly established League of Nations is patterned in many respects after the Peace Conference which produced it. In both there is a professional and permanent Secretariat for clerical purposes; a general Assembly of Member States, both great and small, and a ruling Council with limited membership and great executive powers. The chief difference in form is that the Council of the League, unlike the Supreme Council of

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the Conference, contains four elected members of the Assembly, thus permitting the lesser nations to share in some degree the authority of the Great Powers.

A more important difference, however, lies in the fact that the League of Nations will function in times of peace as well as of war. This will give the Assembly an opportunity to become a more effective body than the plenary sessions of the Peace Conference ever were. The ordinary problems of peace do not require such hurried decisions as did the making of the German Treaty at a time when Europe was still in a condition of armistice with imminent peril of renewed conflict. There will frequently be leisure for debate, in which even the lesser states will have opportunity to take an active part without an impatient Clemenceau to note the flight of time. It is not without symbolic significance that so many meetings of the Conference were held in the "Hall of the Clock" at the French Foreign Office. Time was despot, and the Supreme Council but obeyed its mandate in shutting off free and full discussion and in leaving to the future decision of the League of Nations and to the Reparations Commission so many questions that properly came within the purview of the Peace Conference. Let us hope that Geneva will be able to strike a golden mean between the prodigious labor and frantic haste with which the Treaty was made at Paris and the interminable leisure with which it was debated at Washington.

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THE COLONIAL AGENT AS A POPULAR REPRESENTATIVE

In the POLITICAL SCIENCE QUARTERLY for March, 1901, Professor E. P. Tanner has given an excellent analysis of the colonial agency.[1] Since then, much additional material has become available in printed form and in the Manuscript Division of the Library of Congress. As these sources are especially abundant for Maryland and the southern colonies, it is now possible to make a detailed study of the development in them of the colonial agent as the spokesman in England of the lower house of the colonial legislature in controversies between that body and the governor and council. The importance of such a recognized medium through whom grievances might be presented directly to the crown is apparent, but this end was secured only if the lower house controlled the agent. Numerous controversies, therefore, arose between the lower house and the council over the right to nominate and supervise the agent. As the consent of the governor and council was necessary in order to secure an appropriation for the salary and expenses of the agent, there was a distinct limitation upon the power of the lower house. Consequently numerous controversies arose between the two houses, but in most instances the popular chamber won an ultimate victory.

Popular control of the colonial agent was more important in the proprietary than in the royal colonies, for in the former, a private person, the proprietor, directed the administration of the colony, and without some independent medium of representation it was almost impossible for the people of the colony to bring their grievances before the crown. It was equally true that the proprietor, in view of the large permanent interests he had at stake, would more strenuously oppose the appointment of such an agent than would a royal governor, who

[1] "Colonial Agencies in England", POLITICAL SCIENCE QUARTERLY, vol. xxvi, pp. 24–49.

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enjoyed a mere temporary authority. Consequently, in Maryland the right of the lower house to control the colonial agent was more bitterly contested and with a greater degree of success than in the southern colonies that were under royal control. While Maryland was under a royal governor (1691–1715) the lower house treated the question of a colonial agent in a rather indifferent fashion. In 1692 the general assembly appointed Peter Paggen, "a merchant trading in Maryland", to represent the colony for a year only.[1] Three years later, the lower house decided that it was unnecessary to send an agent to England, but in 1702, upon the representation of the Board of Trade, they finally consented to appoint Governor Nathaniel Blakiston.[2] Blakiston served as agent, except for the short period from 1708 to 1713, until 1721, although he seems to have been more favorably regarded by the governor and the council than by the lower house.[3] Finally, despite the remonstrance of the council, the lower house decided that an agent was unnecessary in view of the "continual charge" and the "small advantage".[4]

After the resumption of proprietary government in Maryland, the accumulation of grievances soon impressed upon the lower house the need of appointing an agent who would present to the crown the popular side of a controversy. The council, of course, could be depended upon to block such a move. Thus, in 1725 they vetoed an allowance to an agent upon the ground that he would represent the lower house alone.[5] Similar proposals in 1729 and 1731 met a like rebuff.[6] A bitter controversy at this time over the proprietary revenue empha-

[1] Act, June 8, 1692, Md. Archives, XIII, 467.

[2] Lower House Journal, Oct. 10, 1695, and Upper House Journal, Mar. 2 and 25, 1702, Md. Archives, XIX, 247; XXIV, 227–228.

[3] Lower House Journal, Dec. 8, 1708, and Oct. 31, 1713, Md. Archives, XXVIII, 305; XXIX, 274.

[4] Lower House Journal, Aug. 4 to Dec. 5, 1721, Md. Archives, XXXIV, 171–264, *passim*.

[5] Upper House Journal, Nov. 5 and 6, 1725, Md. Archives, XXV, 281 and 286–287.

[6] Upper House Journal, July 23, Aug. 1 and 2, 1729, and Aug. 26, 1781, Md. Archives, XXXVI, 339, 354; XXXVII, 267–268.

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sized the need for an agent,[1] and in 1739 the lower house again asked the council to agree to the appointment of such a representative, in order to bring before the crown the dispute with the proprietor. Again the council refused to concur, upon the pretext that the terms of appointment placed the agent wholly under the control of the lower house.[2] Had they passed the measure, they would virtually have conceded the right of the lower house to appeal to the crown directly rather than through the medium of the proprietor.

Undaunted by the refusal of the council to allow them a representative to lay their grievances before the crown, the lower house drew up an address and appointed Ferdinando John Paris as their agent to present it. His expenses were to be paid by public contributions.[3] But owing to the hostility of the governor and council, the committee from the lower house was unable to secure the copies of public records that were necessary to present the case, and Paris accomplished nothing.[4] Even this rebuff did not wholly dishearten the lower house, for in 1752 and 1755 they passed acts to appoint an agent, only to be met in each instance by the veto of the council.[5] When the council proposed a joint address to George III upon his accession to the throne, the lower house took advantage of the opportunity to emphasize the need for an agent. Their representatives upon the joint committee insisted upon adding to the address a representation that the province was "destitute" of the "proper means of obtaining access to the

[1] The lower house claimed that the duty of 12d per hhd. granted in 1705 was to support the royal government, and that it lapsed when the proprietary régime was reestablished. The proprietor asserted that the duty continued and proceeded to collect it. The real object of the lower house was to exercise more control by the assertion of more power over appropriations. Mereness, Maryland as a Proprietary Province, 346.

[2] Lower House Journal, May 25 to June 9, 1739, Votes and Proceedings, 1739–1741, 135–152, *passim*.

[3] Lower House Journal, June 9, 1739. Votes and Proc., 1739–1741, 189–191.

[4] Lower House Journal, Apr. 30–May 12, 1740, June 30, 1741, Votes and Proc., 1739–1741, 215–216, 221, 230, 248–249, 418, 419, 426, 447.

[5] Lower House Journal, June 13, 1752 and July 4, 1755, Votes and Proc., 1750–1752, 16; 1753–1756, 22.

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throne", and that they should be permitted to tax themselves for the support of an agent who would lay their "grievances" before the crown. As the council refused to concur with this amendment, the lower house sent their own address to Benjamin Franklin to be delivered to the crown. At the same time they passed an act to appoint an agent, which received the usual veto of the council.[1]

The repeated refusals of the council to pass the act appointing an agent were due to the influence of the proprietor, who, fearing that a representative of the lower house might embarrass him, forbade the governor to assent to any appointment except that of his own personal representative, Mr. Calvert. Governor Sharpe, however, believed that the proprietor's apprehensions were groundless and that he had nothing to fear from a presentation of grievances. Indeed, he was convinced that the appointment of an agent would greatly aid in allaying discord in Maryland.[2] That Governor Sharpe was not mistaken in his judgment was apparent during the long controversy between the upper and lower houses over the salary of the clerk of the council. As a result, by 1765 the assembly had failed for nine years to pass the appropriation bills.[3] Under these conditions, the lower house again passed an act to appoint an agent of the colony in Great Britain.[4] Again the council rejected the act, upon the timeworn pretext that an agent should be responsible to both houses and that they themselves should have a part in the nomination. They were willing, however, to assent to the appointment of two agents, one to represent each house and both of them to be supported by public funds.[5]

[1] Lower House Journal, Apr. 28–May 6, 1761, and Apr. 24, 1762, Votes and Proc., 1761, and Liber 52.

[2] Governor Sharpe to W. Sharpe, May 2, 1756, and to Jno. Sharpe, June 1, 1755, Md. Archives, VI, 401 and 433–435.

[3] The lower house claimed that the clerk's salary should be paid out of the 12d per hhd. for the support of the government, the upper house that it should be included in the public budget. Mereness, Maryland as a Proprietary Province, 269–270.

[4] Lower House Journal, Dec. 14, 1765, Liber 52.

[5] Lower House Journal, Dec. 16, 1765, Liber 52.

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The lower house had no intention of providing funds for an agent who would uphold the proprietor. Already, they pointed out, the court calendar listed Mr. Calvert as agent for Maryland, and there was no reason why the people of the colony should be asked to levy a tax, "to support an agent against their own interests."[1] At the next session of the assembly, in an attempt to settle the controversy over the salary paid the clerk of the council, the lower house sanctioned a levy of £1500 for the support for three years of an agent, presumably to present the popular side of the quarrel. But the council, refusing to accept this compromise, again proposed two agents.[2]

The demands of the lower house for an agent to present to the crown their grievances against the proprietor now reached a climax. Denied an official representative by a council that acted, as they thought, in the interest of the proprietor, the lower house took matters into their own hands, and appointed Charles Garth as their agent. The necessary expense they proposed to meet by public contributions and by a lottery.[3] Garth's status as a representative of the lower house was clear-cut, but unfortunately his mission was somewhat hampered. Although the members of the lower house contributed about £150 toward his expenses, the lottery did not prove successful. Also, the same tactics on the part of the governor and council, as in the case of Paris, blocked any move to secure copies of the necessary public records.[5] Notwithstanding these handicaps, Garth presented the grievances of the lower house against the proprietor, asking especially for relief from the continued refusal of the council to consent to the appointment of an agent.[6] Apparently no attention was paid to this petition, and

[1] Lower House Journal, Dec. 16, 1765, Liber 52.

[2] Lower House Journal, Nov. 21, 1766, Liber 52.

[3] Lower House Journal, Dec. 6, 1766, Liber 52. Garth had already served as a special agent of the lower house to present their remonstrance against the Stamp Act. Lower House Journal, Nov. 27 and Dec. 6, 1765, Liber 52.

[4] Governor Sharpe to Hammersley, Dec. 8, 1766, Md. Archives, XIV, 356; Mereness, Maryland as a Proprietary Province, 372–373.

[5] Council Proceedings, Feb. 19, 1757, Md. Archives, XXXII, 183–184.

[6] Chas. Garth to Lord Hillsborough, Oct. 1, 1768, C. O. 5; 1281, p. 155.

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Garth's mission as agent for Maryland was of short duration. But the struggle of the lower house, which culminated in this rather irregular appointment of an advocate of the popular as opposed to the proprietor's cause, had shown in forcible fashion the importance of the colonial agent in a proprietary colony.

In the southern colonies, all of which were under royal control for the greater part of their history, the struggle to assert popular control over the colonial agent did not face the obstacle presented by a proprietor who was determined to forestall dangers to the continuance of his own rule. Yet the royal governors frequently opposed the appointment of agents not dependent upon themselves, who might present grievances against them to the crown. The most interesting and the most bitter conflict in these colonies took place in North Carolina and centered in the right of the lower house to nominate the agent. The appointment of two agents in 1725 by the lower house in order to present their grievances to the proprietors does not appear to have caused any difficulty.[1] But after the crown took over the colony, Governor Burrington's proposal for the appointment of an agent failed, because the lower house insisted that they alone should control the appointment.[2] No other attempt to secure an agent was made until 1748 when the assembly appointed James Abercrombie. Under this act the committee of correspondence consisted of two members from the council and three from the lower house, and as a majority of them constituted a quorum, Abercrombie was really under the control of the lower house, although all correspondence and instructions had to be submitted to the governor and council as well.[3] The renewal of this act in 1751 and in 1754 clearly showed the good understanding that existed between the two houses with regard to a colonial agent,[4] a situation that was emphasized by Abercrombie's activity in defending Governor

[1] Legislative Journal, Nov. 1, 1725, N. C. Col. Recs., II, 578.

[2] Legislative Journal, Apr. 13 and May 15, 1731, N. C. Col. Recs., II, 258, 277, 280.

[3] Act, Oct., 1745, N. C. State Recs., XI, 110–112.

[4] N. C. State Recs., XI, 362–363, and XXV, 266.

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Johnson from charges brought by the five northern counties and by Lord Granville's agent.[1]

The harmony between the upper and lower houses came to an end when a determined effort by Governor Dobbs to control the appointment of the colonial agent precipitated one of the most bitter struggles that marked the stormy colonial period in North Carolina. Upon the expiration of Abercrombie's term as agent, the governor notified him that the lower house was unwilling to reappoint him.[2] This statement by the governor was misleading, for a year later the lower house passed a resolution that appointed Abercrombie as their agent for two years, under the control of a committee of five of their own number with no representative from the council.[3] Refusing to concur in this resolution, the council appointed Samuel Smith, the governor's private attorney in London, as their own agent. This appointment naturally lent strength to the accusation that the real object of Governor Dobbs in dismissing Abercrombie had been to secure the appointment of Smith.[4] Thus, there were two agents from North Carolina, one representing the lower house, the other the council.

The lower house, however, was not to be so easily thwarted, and in 1759 it added to a bill for financial aid to the crown a rider to reappoint James Abercrombie as agent for the colony. Since the act made Abercrombie subject to a committee of correspondence made up of five members of the lower house only, he would have been under the control of that body alone.[5] Objecting especially to such a rider to an appropriation bill, the council rejected the entire measure.[6] Nevertheless, a year

[1] Board of Trade Journal, Jan. 10 to Feb. 15, 1749, and Jan. 11 to June 27, 1751, N. C. Col. Recs., IV, 936–945 and 1225–1237.

[2] Governor Dobbs to Abercrombie, Dec. 28, 1757, N. C. Col. Recs., V, 788–789.

[3] Legislative Journal, Dec. 20, 1758, N. C. Col. Recs., V, 1087.

[4] Council Journal, Mar. 3, 1759. and Governor Dobbs to Board of Trade, Aug. 3, 1760, N. C. Col. Recs., VI, 76–77 and 306.

[5] See Act and Legislative Journals, May 12, 1759, N. C. Col. Recs., VI, 34–40 and 102–103.

[6] Council Journal, May 17, 1759, N. C. Col. Recs., VI, 92–93.

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later the lower house repeated its former tactics, passing a combined bill to grant financial aid to the crown and to appoint an agent. This bill met the same fate at the hands of the council as the former one.[1] Thereupon, the house sent an address to the crown which complained of the failure of the aid and agent bill, solely, they asserted, because Samuel Smith had not been named as agent. To present this address they appointed Anthony Bacon, a merchant of London, as special agent.[2] A few days later the lower house again passed a combined aid and agent bill which substituted Bacon for Abercrombie. They made no provision, however, for representation of the council on the committee of correspondence. Objecting to this omission and also to the nomination of Bacon, the council rejected the measure, whereupon the lower house named Bacon as agent for two years, "for the Assembly of this province."[3]

Six months later, when the lower house persisted in passing the aid bill with a rider to appoint an agent,[4] the governor prorogued them. Their object, he informed them, was to force the acceptance of Bacon as agent, although he had twice been rejected. In reply the house upheld their "inherent and undoubted right" to name as agent whom they chose and assailed the violation of this right as a result of the governor's "private resentment" against Bacon, who had been nominated, they asserted, by a "most solemn resolve" of "one of the fullest houses" that ever assembled in the province.[5] The day following this bold assertion of the rights of the lower house, the governor dissolved the assembly. At the next session the lower house again passed the combined agent and aid bill but with two distinct compromises. In recognition of the determined opposition of the governor and council to Bacon, they substituted the name of Couchet Juvencell of London as agent.

[1] Council Journal, May 14, 1760, N. C. Col. Recs., VI, 390.

[2] Legislative Journals, May 23, 1760, N. C. Col. Recs., VI, 413 and 415-416.

[3] Legislative Journals, May 27, 1760, N. C. Col. Recs., VI, 423-424 and 436.

[4] Council Journal, Nov. 18 and 27, 1760, N. C. Col. Recs., VI, 452, 460.

[5] Legislative Journals, Dec. 5, 1760, N. C. Col. Recs., VI, 515-517.

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They also added two representatives from the council to the six members from their own body, who comprised the committee of correspondence. But this latter concession was somewhat modified by a provision that a majority of the committee, which of course might be and customarily was composed of members of the lower house only, should have power to act.[1] At least five members of the council begged the governor to sign this bill, and he complied.[2]

Governor Dobbs attempted to throw upon the lower house the blame for this long controversy over the appointment of an agent.[3] But the truth seems to be that he was determined to secure the appointment of an agent whom he himself could control, and thus to ward off any attempt to present grievances against his administration to the British officials. The actual conduct of Juvencell's agency showed that such fears were not altogether groundless. The members of the committee of correspondence who represented the council were not consulted at all regarding instructions, and letters from the agent were now directed to the speaker, rather than to the committee in care of the governor. Nor does the correspondence with the agent appear to have been submitted customarily to the council.[4] Thus it is clear that Juvencell was a representative of the lower house alone, a status that was emphasized when he defended that body before the Board of Trade against charges brought by the governor.[5]

[1] Act, 1761, N. C. State Recs., XXIII, 541; Legislative Journals, Apr. 22, 1761, N. C. Col. Recs., VI, 692.

[2] Council Journal, Apr. 21, 1761, N. C. Col. Recs., VI, 633–634.

[3] The Governor claimed that Bacon had been guilty of dishonesty in partnership with Thomas Child, agent for Lord Granville, and that the lower house had nominated him chiefly because he had "calumniated himself" (*i. e.*, the governor) before the Board of Trade. Dobbs also insinuated that the lower house was plotting, by control of the agent, to get possession of the colony's share of the £50,000 voted by Parliament to aid the southern colonies. Governor Dobbs to Board of Trade, Jan. 22, 1759, N. C. Col. Recs., VI, 2–3.

[4] Legislative Journals, Apr. 29 and Dec. 7, 1762; Council Journal, Feb. 1, 1764, N. C. Col. Recs., VI, 836–837, 947 and 1167–1168.

[5] Board of Trade Journal, Mar. 11 and May 6, 1763, N. C. Col. Recs., VI, 753, 983–989 and 1002.

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When Juvencell's term expired, Governor Dobbs naturally opposed his reappointment. But the Board of Trade had ruled that as the agent was the representative of the people, the lower house should be free to nominate him, although they strongly opposed the political device of tacking the bill for an agent to another measure, and insisted that appointments should be made by a separate act.[1] Unable under this ruling to control the appointment of an agent, the council now attempted to secure in the bill passed by the lower house in March, 1764, an amendment that required the presence of one of their number in order to form a quorum of the committee of correspondence. As the lower house refused to concede even this small degree of control, the bill failed. Thereupon the lower house appointed Juvencell as their agent for a year.[2] Eight months later, in spite of the ruling by the Board of Trade, the council struck out the name of Thomas Barker from a bill sent up from the lower house and substituted that of a person of their own choosing. Aroused by this infringement of their privileges, the lower house resolved that it was their "necessary and indubitable right" as representatives of the people to nominate an agent, and that this "arbitrary" exercise of power by the council was injurious to the province and contrary to the ruling of the Board of Trade.[3] As the lower house insisted upon their nomination of Thomas Barker, the council rejected the bill.[4]

In 1766 the lower house made another attempt to secure an agent, representing to Governor Tryon their right to nominate such a delegate, with the concurrence only of the governor and council. The governor practically conceded this point, but the council refused to pass the forthcoming act upon the pretext that they had no adequate representation on the

[1] Board of Trade to Governor Dobbs, Apr. 24, 1761 and Feb. 17, 1762, N. C. Col. Recs., VI, 539 and 702–703.

[2] Council Journal, Mar. 7, 1764, and Legislative Journals, Mar. 9, 1764, N. C. Col. Recs., VI, 1134, 1207, 1214.

[3] Legislative Journals, Nov. 15, 1764, N. C. Col. Recs., VI, 1287–1288.

[4] Council Journal, Nov. 19, 1764, N. C. Col. Recs., VI, 1240.

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committee of correspondence.[1] Probably for the same reason they rejected an act which the lower house passed in 1768 to appoint Henry Eustace McCulloh as agent, although the governor had been willing to sign it.[2] The lower house then appointed McCulloh as their agent.[3] But this solution of the controversy did not prove satisfactory, inasmuch as Lord Hillsborough, the British Colonial Secretary, recognized McCulloh only in matters which specially interested the lower house. Hillsborough pointed out that the lower house should nominate the agent but always with the approval of the governor and council.[4]

The difficulties presented by an agent who represented only one legislative body were solved at the next session of the assembly, when Governor Tryon announced that he had been instructed to assent to a bill to appoint an agent, provided it was not "tacked on" to another measure. Also, he acknowledged the undoubted right of the lower house to make the nomination.[5] A bill was speedily enacted which appointed Henry Eustace McCulloh as agent for North Carolina. The complete triumph of the lower house in the passage of this act was shown by the composition of the committee of correspondence, which included three members of the council and six of the lower house. As a majority, which constituted a quorum, could always be secured from the latter body, its control over the agent was assured.[6] Two years later the act was renewed with only minor changes,[7] but in 1773 a committee of the lower house decided that the purposes for which an agent was appointed "have not been fully answered", and the act was not

[1] Legislative Journals, Nov. 6 and 10; Council Journal, Nov. 29, 1766, N. C. Col. Recs., VII, 337, 348–349 and 356.

[2] Council Journal, Dec. 21, 1768; Governor Tryon to Earl Hillsborough, Feb. 25, 1769, N. C. Col. Recs., VII, 918; VIII, 11.

[3] Legislative Journals, Dec. 2, 1768, N. C. Col. Recs., VII, 877–879.

[4] Henry E. McCulloh to Committee of Correspondence, July 14, 1769, N. C. Col. Recs., VIII, 56–57.

[5] Legislative Journals, Oct. 3, 1769, N. C. Col. Recs., VIII, 87.

[6] Act, Nov., 1769, N. C. State Recs., XI, 229–230.

[7] Act, Dec., 1771, N. C. State Recs., XXIII, 303–304.

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renewed.[1] The struggle in North Carolina, however, had established two principles: (1) that the lower house should nominate the agent, and (2) that its representatives alone should control him. With these principles acknowledged, the agent became the representative of the people, who should present, if necessary, any grievances against the conduct of affairs by the governor.

Though the struggle in North Carolina to secure recognition of popular control over the colonial agent was more bitter and prolonged, there was a similar movement in the sister colony of South Carolina. During the proprietary period, in 1714, the assembly appointed the first permanent agent in South Carolina, Landgrave Abell Kettleby. Nominally, Kettleby was responsible to both branches of the legislature, but actually he was under the control of the lower house, for they alone could remove him and appoint a successor,[2] a power which was exercised in 1716 when they dismissed Kettleby. Two years before they had appointed Joseph Boone and Richard Beresford as special agents to represent certain grievances to the proprietors, but the governor and council refused to sanction the appropriation for this mission. Nevertheless Boone and Beresford were recognized by the Board of Trade as agents for the colony.[3] In 1721 two special agents, Francis Yonge from the council and John Lloyd from the commons, were appointed, both of them subject to the entire assembly.[4] Yonge remained in office until 1727, when Samuel Wragg was appointed as agent.[5]

After the crown took over South Carolina, the council appointed Stephen Godin in 1729 as agent,[6] and in 1731 the

[1] Legislative Journals, Dec. 21, 1773, N. C. Col. Recs., IX, 785.

[2] Act, Dec. 18, 1714, S. C. Statutes at Large, 2, 628–629. Landgrave Kettleby had already been appointed as a special agent in 1712, to secure certain trade concessions in favor of South Carolina, Act, Dec. 12, 1712, S. C. Statutes at Large, 2, 601–602.

[3] See Smith, South Carolina as a Royal Province, 160; C. O. 5, 1293, pp. 5–7, 20, 42–51, 71–74 and 75–77.

[4] Act, Sept. 19, 1721, S. C. Statutes at Large, 3, 146–147; Smith, *op. cit.*, 162–163.

[5] S. C. Statutes at Large, 3, 183, 251–252, 266–268.

[6] Smith, *op. cit.*, 163.

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commons joined them in appointing Peregrine Fury. This latter act upheld the control of the council over the agent, as it provided that of the quorum in the committee of correspondence, one must always be a member of the council.[1] Fury retained his office until 1749, in spite of an attempt by the commons in 1747 to appoint another agent.[2] Both houses then amicably agreed upon the appointment of James Crokatt, who resigned in 1753. The governor now attempted to have Fury reappointed, but Crokatt was induced to withdraw his resignation. The result was a prolonged controversy. The governor refused to sign the tax bill with an appropriation for Crokatt's salary after 1753, while the commons insisted upon their right to nominate an agent and ultimately prevailed.[3] Finally, James Wright was appointed as agent and served until 1760. The council continued to exercise at least partial control, since two of their members were required to make up the quorum of five in the committee of correspondence.[4] With the appointment of Charles Garth as agent in 1762, the control of the council virtually came to an end, except in approving the nomination by the commons. The committee of correspondence now consisted of four members from the council and an indefinite number from the commons. As there was no express provision for representatives of the council in the quorum, the committee was free from any control by that body, and Garth was in reality the representative of the commons alone.[5] In actual practice the council was completely ignored, since Garth received his instructions from and corresponded with a committee, headed by the speaker, which was composed of members of the commons.[6]

[1] Act, Aug. 20, 1731, S. C. Statutes at Large, 3, 307–308.

[2] Smith, *op. cit.*, 165.

[3] S. C. Statutes at Large, 3, 723; Smith, *op. cit.*, 166 and 168.

[4] Smith, *op. cit.*, 169; S. C. Statutes at Large, 4, 26–27 and 34–35.

[5] Act, 1762, S. C. Statutes at Large, 4, 164–165.

[6] See Correspondence of Charles Garth, 1765–1775, Force Transcripts, Library of Congress. Formerly letters from the agent had been sent in care of the governor, but after Gov. Boone broke the seal of one communication this custom ceased, and the agent wrote directly to the Committee of Correspondence. McCrady, South Carolina under the Royal Government, 1719–1776, p. 362.

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The practical value of an agent who, like Charles Garth, was altogether under the control of the commons, was demonstrated in the controversy that arose over a resolution of the commons in 1769 appropriating £1,500 to the "Secretary of the Supporters of the Bill of Rights in London" for the "support of the just and constitutional rights and liberties of the people of Great Britain and America."[1] This resolution the governor forwarded to the Privy Council, and that body, without according the commons a hearing, speedily sent an instruction which forbade the governor to give his consent to any appropriation by resolution of the commons and prescribed the form in which money bills should be drawn up.[2] In effect this instruction prevented the payment of the £1,500 and, according to the view of the commons, violated their constitutional right to originate all money bills. Garth now appeared in the guise of their agent, ably presenting their side in an address to the crown and in a hearing before the Board of Trade.[3] He did not succeed, however, in securing a recall of the obnoxious instruction.[4]

But the commons were not to be so easily satisfied, and a long controvery ensued, which was partly responsible for complaints against the governor, Lord Montagu. Garth took up again the contentions of the commons and presented especially their allegations against the governor.[5] Probably his influence and representations finally aided in securing the resignation of Lord Montagu.[6] He now labored indefatigably to secure the omission of the instruction of 1770 from those sent to the new governor. But despite his representations that this concession

[1] Select Committee of the Assembly to Robert Morris, Dec. 9, 1769, Garth Papers, 1766–1775, 174–175.

[2] Acts, Privy Council, Colonial, V, 229.

[3] Committee of Correspondence to Garth, Sept. 6, 1770, and Garth to Committee of Correspondence, Nov. 24, 1770, Garth Papers, 1766–1775, 231–239 and 253–262.

[4] Garth to Committee of Correspondence, Feb. 1, Mar. 27 and Apr. 5, 1771; *ibid.*, 264–273.

[5] See Correspondence, Apr. 10 to Nov. 20, 1772; *ibid.*, 281–335, *passim*.

[6] Garth to Committee of Correspondence, May 4 and 20, 1773; *ibid.*, 365–371.

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was necessary to promote good feeling in the province, he secured only a compromise, which omitted the prescribed form for money bills but forbade the governor to assent to any appropriation of money by the resolution of the commons alone.[1] At least the controversy had shown the value of an agent who was under the control of the commons and would therefore see that their standpoint received a hearing, despite the governor's representations.

Garth's status as the representative of the commons rather than of the council was forcibly illustrated in the case of Thomas Powell, a printer of Charleston, whose imprisonment was ordered by the council. His offense was the printing of a protest by two members of the commons against the council's stand with regard to a bill sent up from the lower house. Powell secured his release by a writ of habeas corpus issued by the commons. The council complained to the crown against this interference by the commons, and Garth, as the latter's agent, presented their case.[2] He won a virtual victory, since no action was taken in the matter.[3] The council, however, published in the *South Carolina Gazette* a severe criticism of Garth's action in presenting the case for the commons. In defense of his conduct Garth admitted that he had been appointed by both houses, yet he considered that in case a "differance" arose, it was his duty to take the side of the "representatives of the people," and he had therefore fought "in behalf of the people and the press of South Carolina."[4] The commons, appreciating this stand, passed a resolution which expressed their "entire approbation" of his conduct.[5] This incident showed very forcibly the evolution of the colonial agent in South Carolina as a representative of the commons, even though a difference arose with the council.

[1] See Correspondence, *ibid.*, 365–438, *passim*; Acts, Privy Council, Colonial, V, 235.

[2] Acts, Privy Council, Colonial, V, 389; Committee of Correspondence to Garth, Sept. 16, 1773, Garth Papers, 1766–1775, 367–371.

[3] Garth to Committee of Correspondence, Dec. 7, 1774, *ibid.*, 434–438.

[4] Garth to Committee of Correspondence, May 12, 1774, *ibid.*, 414–417.

[5] Garth to Committee of Correspondence, July 19, 1774, *ibid.*, 427–433.

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In the two remaining southern colonies, Georgia and Virginia, the appointment of a colonial agent did not stir up as much strife as arose in Maryland and the Carolinas, nor was the agent in either colony ever controlled wholly by the lower house. In Georgia the first agent, Benjamin Martyn, was appointed in 1753 by royal sign manual, especially to take charge of all funds for the improvement and development of the province. As he was controlled by the Treasury Board and the Board of Trade, he was in no sense an actual representative of the people of Georgia.[1] In 1762, the assembly appointed an "assistant" to Martyn, William Knox, who was to represent and be under the control of both houses.[2] This arrangement was renewed in 1763 and 1764; but in 1765, after inspecting the correspondence with Knox, the commons passed a curt resolution that dismissed him as agent of the colony.[3] A typical controversy now arose when the council showed in marked fashion their approval of Knox, and the commons appointed Garth as their agent.[4] At first the council refused to pass an appropriation of £100 in favor of Garth, upon the ground that he had been appointed by the commons alone, and that they themselves had been completely ignored in all correspondence with him. Eventually they approved the appropriation, but only as a necessary measure to secure the passage of the entire supply bill.[5]

In support of their position the council resolved that the commons had no right to appoint either an agent or a committee of correspondence without their consent, and at the same time they requested Knox to act as their agent in England.[6]

[1] Patent to Benjamin Martyn, Feb. 14, 1753, C. O. 324; 60, pp. 301–302.

[2] Act, Feb. 19, 1762, Ga. Col. Recs., XVIII, 481–483.

[3] Journal, Commons, Nov. 15, 1765 and Acts, 1763 and 1764, Ga. Col. Recs., XIV, 294; XVIII, 536–538 and 581–582.

[4] Journal, Commons, Dec. 16, 1765 and Jan. 22, 1766; Journal, Upper House, Mar. 6, 1766, Ga. Col. Recs., XIV, 317–319; XVII, 269. Garth had already been appointed by the crown to succeed Martyn. Patent to Garth, Nov. 4, 1763, C. O. 324; 60, 307–308.

[5] Journal, Upper House, Mar. 20, 1767, Ga. Col. Recs., XVIII, 366–368.

[6] Journal, Upper House, Mar. 26, 1761, Ga. Col. Recs., XVIII, 372–374.

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Thus there were two agents for Georgia, one representing the commons alone, the other the council. As the commons considered the appointment of a regularly authorized agent "an absolute necessity", they nominated Benjamin Franklin. This bill, which also provided for representation of the council on the committee of correspondence, was soon passed.[1] Franklin was reappointed in 1770 and in 1773.[2]

The development of the colonial agency in Virginia was much more important than in Georgia, although there, too, the exclusive control of the lower house was not completely asserted. The first two agents, Thomas Ludwell and Daniel Parke, who were sent over in 1674 on a special commission to protest against the proprietary grant of 1672, were approved by the general assembly.[3] But certainly after 1680 the agent for Virginia was customarily appointed by the governor and council alone, with no reference to the burgesses, and received his salary from the royal revenue arising in the colony.[4]

The controversies with Governor Spotswood early in the eighteenth century led the burgesses to demand an agent of their own choosing, but a bill passed in 1718 for this purpose was rejected by the council.[5] The burgesses then proceeded to draw up an address to the crown, recounting their grievances and asking for redress. In order to present this address they appointed Colonel William Byrd as their agent.[6] Seven months later they drew up another address, which Byrd was asked to present and in which they specifically asked for the removal of Spotswood. Also, as the governor had refused his consent to the appropriation for the mission, the burgesses asked Byrd to secure an instruction that would permit them to levy any sum

[1] Act, Apr. 1, 1768, Ga. Col. Recs., XIX, Part I, 12–14.

[2] Acts, May 10, 1770 and Sept. 29, 1773, Ga. Col. Recs., XIX, Part I, 189–201 and 249–252.

[3] Act, Sept., 1674, Hening, Statutes at Large, II, 312.

[4] Memorial of James Abercrombie, Nov. 21, 1759, C. O. 5; 1329, 343–349.

[5] Governor Spotswood to Board of Trade, June 24, 1718, Spotswood Letters, 2, 277–278; Legislative Journal, Va. Council, May 23, 1718, II, 619.

[6] Journal, Burgesses, May 24 and 27, 1718, Journal 1712–1726, 207–208 and 210.

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they saw fit to pay their agent.[1] Byrd went to England, but he did not succeed in obtaining redress for any of the grievances complained of, although the appropriation allowed him seems finally to have been approved by the governor.[2] In 1720 the burgesses again nominated Byrd as their agent to present an address to the crown, and again Spotswood opposed his appointment. The governor's objections showed very clearly, though doubtless unconsciously, the positive value of a representative under the control of the burgesses. The governor alone, he asserted, was the proper channel of communication between the assembly and the crown. As he was solely responsible, Spotswood considered that he should not be subject to the control of others, "especially of those whose conduct and actions must frequently prove the main subject that the governor has to treat of." Yet Spotswood was willing to consent to the appointment, provided Byrd received his instructions from himself alone. As the burgesses naturally refused to accept a condition that would have defeated the very object of the mission, they abandoned temporarily their attempt to secure a representative in England to present their grievances to the crown.[3]

The controversy with Governor Dinwiddie over the pistole fee led to another attempt by the burgesses to secure an agent of their own choosing. They resolved to send Peyton Randolph to present their address protesting against the fee and to choose a permanent agent in London, but the council rejected the resolution upon the plea that it involved a complaint against the governor.[4] A few months later the council named James Abercrombie as agent to succeed Peter Leheup, an appointment in which Dinwiddie tried to persuade the burgesses

[1] Journal, Burgesses, Nov. 20 and 21, 1718, Journal 1712–1726, 228–229 and 231.

[2] Journal, Burgesses, May 23, 1722, Journal 1712–1726, 335.

[3] Journal, Burgesses, Dec. 14 and 23, 1720, Journal 1712–1726, 299–300 and 313–314; Legislative Journal, Council, Dec. 19, 1720, II, 657.

[4] Journal, Burgesses, 1752–1758, xvii; Governor Dinwiddie to James Abercrombie, Apr. 26, 1754, Dinwiddie Papers, I, 140–141.

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to join.[1] But they refused, owing to their prejudice against Abercrombie, who had actively supported the governor in the controversy over the pistole fee.[2] A year later the burgesses themselves failed to agree upon the terms of an act to appoint an agent.[3] When they finally passed such a bill in 1756 the council refused to concur, being influenced by Governor Dinwiddie, who asserted that Abercrombie could attend to all the necessary affairs of the colony in Great Britain.[4] The council also rejected two bills that the burgesses passed in 1768 to appoint an agent.[5]

The burgesses, however, were determined to secure an agent of their own choice, and after Governor Fauquier's arrival, they followed the example of the lower house in North Carolina by tacking on a measure for this purpose as a rider to a money bill. Inasmuch as the governor expressed his willingness to give his consent to a separate bill for an agent, the burgesses passed an act at the next session appointing Edward Montague, and the council gave its assent. Although the act required that all correspondence, including instructions, should be submitted to the entire assembly, the agent was really under the control of the burgesses, for the majority of the committee of correspondence was drawn from that house with only a nominal representation from the council. Furthermore, a majority of the committee, which in effect meant the representatives of the burgesses, was empowered to remove Montague from office and to appoint a successor, subject to the approval of the entire assembly. Thus, control over the agent, including his appointment, was really in the hands of the burgesses, although the requirement to submit all instructions to the entire assembly gave the governor and council a certain degree of oversight. In

[1] Governor Dinwiddie to James Abercrombie, July 24 and Nov. 16, 1754, Dinwiddie Papers, I, 237 and 408–409.

[2] John Blair to James Abercrombie, May 30, 1759, C. O. 5; 1329, 373.

[3] Journal, Burgesses, Aug. 22, 1755, Journal, 1752–1758, 313–314.

[4] Journal, Burgesses, Apr. 30 and May 3, 1756, Journal, 1752–1758, 390 and 393; Governor Dinwiddie to James Abercrombie, May 24, 1756, Dinwiddie Papers, II, 419.

[5] Legislative Journal, Council, Apr. 10 and Oct. 7, 1758, III, 1184 and 1195.

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case of a controversy, however, the agent would naturally side with the burgesses. The act was renewed in 1765.[1]

In practice Montague seems to have been regarded as agent for the entire assembly, since instructions to him customarily required the assent of the council as well as of the burgesses, and all correspondence was laid before both houses.[2] As a result there was a unique situation. Edward Montague was recognized as the colonial agent for Virginia, with a salary paid by a public tax, while James Abercrombie continued to act as agent for the governor and council, with his salary from the royal revenue for the support of the government.[3] The two agents seem to have cooperated in excellent fashion, and in 1768 the committee of correspondence requested Edward Montague, "the agent for the colony", to act in conjunction with James Abercrombie, "agent for the council", in presenting to the crown and to both houses of Parliament a petition that upheld the local right to levy taxes.[4] For some reason the burgesses failed to reappoint Montague at the expiration of his term in 1770, and though a bill to appoint an agent was proposed in 1772, it does not appear to have been carried.[5]

Although the contest had not been so severe or so prolonged in Virginia as in North Carolina, the burgesses had won the right to nominate the colonial agent, and through manipulation of the committee of correspondence they had placed him to a very large extent under their own control. This general status was the essential aim of similar contests in Maryland and the other southern colonies. It is significant that in Maryland alone, where an agent was especially needed

[1] Acts, Feb., 1759, May, 1763 and Oct., 1765, Hening, Statutes at Large, VII, 276–277 and 647; VIII, 113.

[2] Legislative Journal, Council, Apr. 14, 1759, Oct. 7, 1760, and Nov. 5, 1761, II, 1220; III, 1240 and 1262; Journal, Burgesses, Oct. 7, 1760, and Jan. 6, 1762. Journal 1758–1761, 186, and 1761–1765, 37 ff.

[3] This distinction was clearly shown by the persistent refusal of the burgesses to pay an account presented by Abercrombie, their contention being that they had not sanctioned his appointment, Journal, Burgesses, Oct. 2, 1758 and May 30, 1763, Journal 1758–1761, 31; 1761–1765, 193.

[4] Journal, Burgesses, Apr. 15, 1768, Journal 1765–1769, 174.

[5] Journal, Burgesses, Mar. 4 and 5, 1772, 1770–1772, 209 and 213.

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to see that the grievances against the proprietor were placed before the proper authorities for redress, the lower house was never able to attain its goal. Elsewhere, it established the status of the colonial agent as the representative primarily of the popular branch of the legislature. The constitutional significance of this development is obvious. By this means a channel of communication was established through which popular grievances against the actions of colonial governors could be presented and redress sought. The work of Garth as agent of South Carolina shows the value of such a representative. Furthermore, with the recognition of the colonial agent, it was impossible for the Privy Council to evade responsibility for unpopular measures. Either they must sustain the governor or not. Thus the people of the colonies would be brought face to face with a realization of the actual policies of Great Britain with respect to the colonies. Whether or not this realization had any effect as a cause of the Revolution it is difficult to say. In most of the colonies under consideration, the status of the colonial agent was not definitely determined until a short time before the separation from the mother country, and consequently it is impossible accurately to forecast what would have been the ultimate development of the office of colonial agent had not the Revolution intervened. At least it is apparent that as the representative primarily of the people, the colonial agent was an effective check upon the arbitrary exercise of power on the part of the governor and that the office was capable of very considerable development.

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THE COLDWARD COURSE OF PROGRESS

THE leadership in world civilization is inseparably linked with climate. With advance in culture it has been transferred toward colder lands, and when extant culture has declined, leadership usually has retreated southward.

Civilization began in Egypt and Sumeria, hot countries. Then the leadership was assumed by Babylonia, Crete, Phoenicia, Assyria *etc.*, tending always toward the north. In the diagram of the path of supremacy (page 395) the temperatures of the capitals of the various nations are indicated by the vertical scale, and the period at which each was eminent is shown by the horizontal scale. A thickening of a city's line indicates special preëminence. The curve of the graph indicates the average temperature of the leading capitals; most weight was given to the city preëminent, but the curve was smoothed somewhat in the effort to make clear what would appear to be the general course of leadership in civilization, freed from minor fluctuations. Four southward movements may be noted, all of which coincide with declines of civilization. Thus on the break-up of the Roman Empire civilization centered in Carthage and Alexandria as well as Constantinople, and presently in Damascus and Bagdad; then gradually it moved northward through the Middle Ages, passing the Roman high level about 1350 and attaining regions colder than ever before. So with the scene of highest civilization moving coldward when civilization advances and southward when it disintegrates, the logical inference is that each grade of civilization has an appropriate temperature in which it will especially flourish. This theory, if established, largely explains the changes of headship between nations in the past and may be used as a basis of prediction, if we assume that civilization will advance further. Let us therefore ascertain what basis the theory has in reason, aside from its observed correspondence with the course of empire in the past.

It has often been observed that civilization proper always be-

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gins in warm regions. Its independent original sites seem to be Upper Egypt and the lower Mesopotamian valley, India, the Shen-si province and Guatemala. All are warm, all but one hot. The explanation for civilization's first appearance in such places is that in a hot climate agriculture can be most productive, while an abundant food supply provides vigor, security, a dense population and surplus hands for occupations other than food production—factors necessary for the start of civilization. There are indeed other characteristics of most or all of these regions, such as dryness, need of irrigation or drainage, and water transport, but these need not concern us here; they are found in many cool lands too. The point is that warmth was necessary for a nascent civilization, and, further, that the importance of warmth steadily diminished thereafter, as man's power to produce food was multiplied by better animals and instruments for agriculture, greater science, more diligent habits, the decreasing importance of food as compared with miscellaneous other factors, such as minerals, and latterly by the power of importing food from other lands, as notably in the case of England, Germany and frigid Finland. In short, the positive value of warmth, for agriculture, steadily diminishes with the advance of civilization, while its harmful effects upon health and mind cause the scene of maximum efficiency in civilization, decreasingly bound by agriculture, to withdraw ever farther from the tropics.

A second factor in northward progress, mentioned only by Spencer and a few other writers but very important, is the *possibility* of living in a cool or cold climate. Advancing civilization has given us warmer clothes, tighter houses, fitted with artificial lighting and glass windows, chimneys, stoves and furnaces (the last four introduced, respectively, in the first century B. C. and the fourteenth, eighteenth and nineteenth A. D.), and a good fuel supply (wood can never be cheap in a region of dense population, unless transportation is highly developed, nor ever comparable to modern coal). And while civilization has been making agriculture less important, it has leaned increasingly upon the handicrafts, manufactures and clerical and other brain occupations, all of which can be pursued

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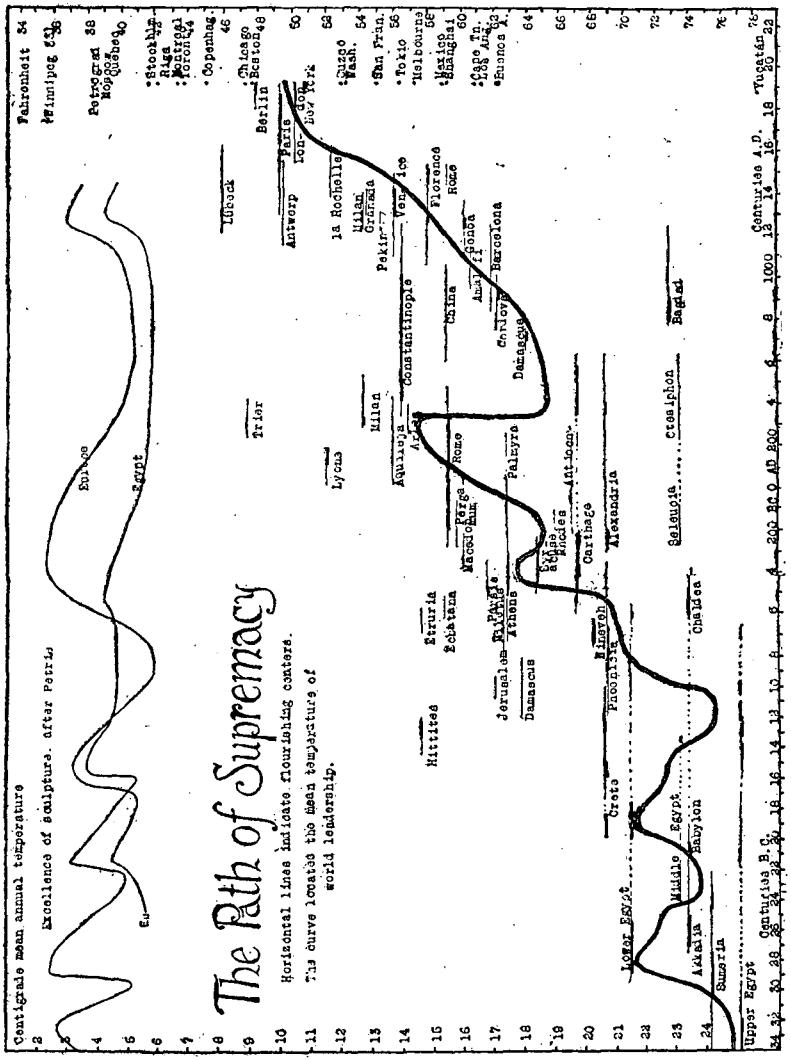
indoors, especially if the house be comfortable; indeed they are more effective indoors than out. Cold weather is no detriment to them, whereas agriculture is greatly interfered with



by long and cold winters. So the advance of civilization brings an increasing power to dwell northerly, as man learns better how to keep warm, lit and comfortable inside a house, and how to work there instead of in the fields.

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Another changing need of civilization is an increasing demand for responsibility and stability. Hot weather, by increasing the body's chemical action and hence its surplus energy, along with a bad emotional state, has been shown to increase obstreperousness, crime, suicide, assaults, insanity and revolutions.[1] Probably such actions are more disruptive to a complicated, advanced civilization than to a primitive one. It has long been remarked that the fiery and volatile temperament of the southern peoples renders them incapable of the responsibilities and toils by which phlegmatic northern races have made great their states. But might not the southern temperament have been good enough for the simple and petty life, the agriculture and handicrafts, of a more primitive culture?

The first positive value of cool climes is their greater variation of temperature from day to day and season to season, very valuable stimuli which are found more in the latitudes of slanting sun. Professor Ellsworth Huntington[2] has shown that variations from day to day bring an important increase in human energy. Greater variations from month to month, together with intermittency of rainfall, entail greater variation in occupation, and varied tasks are probably more easy and beneficial in a complicated, mental civilization than in a primitive one. Next and even more important is the greater comfort, and vigor, physical and especially mental, which are possible in a cool climate (since man has gradually learned to protect himself against the cold days of winter but hardly against the hot ones of summer). Professor Huntington shows, through records of deaths and of the daily work of thousands of factory operatives from Connecticut to Havana, that *physical* efficiency is at its best on days when the temperature averages 64° F. for night and day, *i. e.*, about the mean annual temperature of San Diego, Gibraltar, Palermo and Jerusalem. But *mental* efficiency, as measured by daily marks at West Point and Annapolis, is best on much colder days, about 40°, which give light

[1] Ed. G. Dexter, Weather Influences.

[2] Civilization and Climate.

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frosts at night. This is probably the result of the stimulus coming from the changes of temperature then experienced in going in and out of doors. Forty degrees is about the annual mean of Quebec, Christiania, Moscow and Helsingfors. The difference between the ideal latitudes for physical and for mental labor is thus as broad as the range of latitude which culture's headship has traversed.

Primitive civilization has been said to depend chiefly upon the heaping up of material wealth, created almost entirely by manual labor, performed by practically all the population, chiefly tillers of the soil, including often the women. There were some few thinkers—a handful of priests to design the Pyramids and a few artists, nobles, judges and overseers, but the dull, toiling *fellahîn*, on whose efficiency nearly everything depended, comprised almost all the population. But a modern civilization, like that of our Empire State, requires mental rather than physical labor from a very large proportion of the population, while even the so-called handicrafts, such as housekeeping, farming and auto-driving, demand a more active mentality than the tillage or even handicrafts of primitive civilization. And the priest-scientist, the judge and the foreman have become leaders, wielding powers greater than ever before for the progress or ruin of the community, to which their ideas are all-important. Altogether, modern civilization would seem to depend more upon clear thinking, initiative, will and self-control (in useful directions), and primitive civilization more upon physical toil, bodily energy. The change has been gradual, depending on the progress of civilization.

Let us consider, for example, a climate which Huntington has found to be about the best in the world for a modern civilization, that is, that stimulating climate which enabled Germany to fight half the world, making bread from wood, clothes from thistles, tin of lacker, rubber from goodness knows what and patriotism out of aggressive national ambition. About the year 90 A.D. Tacitus was describing this country, which he found gloomy and cold in comparison with sunny Rome, and with a *kultur* vastly inferior. He wrote that our ancestors there were "powerful in sudden exertions, but impatient of

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toil and labor. . . . Nor are they easily persuaded to cultivate the earth. . . . Nay, they even think it base and spiritless to earn by sweat what they might purchase with blood. During the intervals of war they pass their time less in hunting than in a sluggish repose, divided between sleep and the table. All the bravest of the warriors, committing the care of the house, the family affairs and the lands to the women, old men and weaker part of the domestics, stupefy themselves by inaction; so wonderful is the contrast presented by nature, that the same persons love indolence, and hate tranquillity!" We learn from other passages that the Germans' favorite occupations, after war and hunting, were gambling and drinking. And we find precisely the same conditions among the northern Amerinds, in a similar climate.

What we have here seems to be mental vigor, combined with physical indolence (in spite of physical power). It seems utterly unsuitable for developing an early civilization, which could certainly never have been founded on abhorrence of agriculture and toil, and love of war, hunting, gambling and drinking.

But though a people may not like to toil, they can be forced to do so by an invading or indigenous noble class, armed with ideas from an adjacent superior culture. So during the Middle Ages the northern peoples learned to labor willy-nilly, the individuals who failed to develop the habit being starved or hanged, although in a barbarian state they could have lived as long as the next man. Thus the northern nations conquered their physical indolence and retain their mental vigor (from a cool and varying climate), their alertness, which the peoples inhabiting hot countries never had. And so, with a civilization depending increasingly on mental effort, the northern nations have gone ahead.[1]

[1] S. E. Slocum holds that the nervous system "as it becomes more complex" needs a more bracing, varied climate. (*Pop. Sci. Mo.*, 1910, p. 158). An engineer, P. Mougeolle, has described the northward movement of civilization in *Statique des civilisations*, 1883, a book of more leaves than fruit. His only explanation is acquired diligence, as above. Huntington has pointed out that the highly variable northern climates oblige the farmer to be alert and foresighted and highly laborious in critical days, in contrast with the more routine plodder of the sub-tropical irrigated areas (The Earth and its Inhabitants, ed. by Lull, 1918, p. 179).

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Let us again turn to the diagram of the path of supremacy. Its main curve has been drawn with the purpose of finding at what isotherm the highest civilization in each country should have been had there been no disturbances from other factors than mean annual temperature. The curve has therefore been smoothed somewhat, by combining adjacent centuries and by considering the cities where civilization was high, if not the highest in the world. And indeed it is a very difficult matter to know just where civilization was at its height in each decade. Dates and temperatures are also somewhat uncertain.[1] The capital of each region has been chosen to represent the whole; capitals are generally situated centrally, and great cities are usually the homes and creators of civilization. After all the errors in the diagram have been mentioned and I hope disregarded as fairly well canceling each other, it remains evident that the path of civilization's banner has led steadily northward while culture was advancing and *vice versa*. Most significant of all is the sharp southward movement through 8° of temperature, about 300 A.D., just when civilization was declining. This period warrants a brief discussion, especially since our school books lay little stress on it.

Roman civilization at its height appears to have had its center even north of Rome. The Po valley was the richest region of all the empire;[2] Milan superseded Rome as the capital in 296; Aquileja was the second city of Italy under Hadrian and was called by Ausonius the ninth greatest in the empire; yet in 452 it was destroyed and abandoned. Ravenna, Salona, Ancona, Arles, Lyons, Trier and other cities of Gaul were highly civilized in the later empire. Yet at the same time Carthage was regaining her old splendor, and by 250 had half a million inhabitants. (See diagram of City Populations and Temperatures below.) During the failing days of the empire Carthage became a special center of the Christian religion, with its bishops rivaling those of Rome: Tertullian, Cyprian and

[1] The temperature of most former capitals is available in J. Hann's *Handbuch der Klimatologie*, 2d ed., 1897.

[2] L. Friedländer says that in Strabo's time Cisalpine Gaul "surpassed all other countries in the wealth and greatness of her cities."

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Augustine were all of this region. Carthage survived the Vandal rule and flourished until its destruction by the Arabs. Alexandria in the same epoch was equally large and a center of high civilization, though of disorder. Antioch too waxed great, wealthy and wicked. Followed the days when Damascus, Bagdad and Cordova surpassed all the cities of Christendom in civilization, as represented by splendor, art, wealth, learning, harmony, progress and population. Then began the rapid upward and coldward climb of civilization to the present day.

Three other warmward movements are evident earlier. The first exactly coincided with the undoubted slump in culture after the great Pyramid Age at Memphis. The second southward movement began with the similar decadence after Egypt's Middle Kingdom and the first palace at Cnossus. It continued, we must confess, in spite of the rise of Egyptian civilization of the Third Empire, if we consider only the capital at Thebes. The center remained south during the period of widespread barbarism which ensued around 1000 B. C. but rose with the ascendency of the Syrian states. The third southward turn occurred after the Golden Age of Greece, when Rhodes, Alexandria, the Greek cities of Asia and Sicily, and Carthage became the great centers of culture.

These retrograde movements from culture and northing give us an additional means of testing our theory by the facts. If the rule were never interfered with by other forces, all points in our graph's curve which lie at the same horizontal level (equal temperatures) should be at years whose highest civilization was equal. Thus the coldest temperature in which Roman civilization centered, 58°F., was reattained at approximately 1350 A.D., just about the year that the *cultural* level of grandest Rome was reattained. By laying a ruler on the graph the reader can verify the closeness in general of these correspondences. In spite of the entrance of many other factors in such close measurements, this comparison upholds our thesis.

One good measure of civilization, *sculpture*, has heen competently studied by Flinders Petrie in his very suggestive *Revolutions of Civilization*. We have reproduced at the top of the path of supremacy chart his curve of the ups

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and downs of sculpture, with the chronology adjusted to Breasted's, which we have followed below. As the high point of each period Dr. Petrie has taken the transition point between competently handled archaism and full mastery of the new style. The high points in the other arts and in mechanics, science and wealth, he claims, occur later than in sculpture, increasing to several centuries later by the newest cycle, so that his curve of civilization as a whole would have an increasing lag after that of sculpture. Although this sculpture curve has a wholly different basis from the curve of the path of supremacy, there is a general synchronism between the two.

It is not easy to find an objective scale wherewith to measure degrees of ancient civilization. The criteria must be uniform throughout, for, as Petrie says, it is difficult to contrast Egyptian construction, Greek poetry and medieval self-denial. The author has chosen, as did Mougeolle, the *size of cities*, as being perhaps the best single criterion of culture and one available in arithmetic form; yet ancient data are scanty and uncertain, for while a city's population is the first fact that a modern mentions, it was the last to concern an ancient writer. But we have taken what we could find, from Beloch, Friedländer[1] and many other sources, and present the result, for the years most critical for our theory, in the accompanying chart. Populations are indicated by the area of the circles, and temperatures and dates by the vertical and horizontal placing of their centers. In the curved lines we have endeavored to summarize the movements in city size and the warmth location of the largest cities, and have recopied our curve of the path of supremacy. It will be seen that the three curves correspond as closely as could be expected from the fragmentary and uncertain data regarding only one criterion of civilization. These figures are especially useful to assist our evaluation of various civilizations, as Athens compared with Rome, or as showing the great importance of Carthage, Damascus and Bagdad.

Not only the direction of culture's development (whether upward or downward) but also its speed is reflected in the

[1] Friedländer's have been reduced by ⅓. Populations stated to be "at least" or "more than" have in all cases been increased by ¼.

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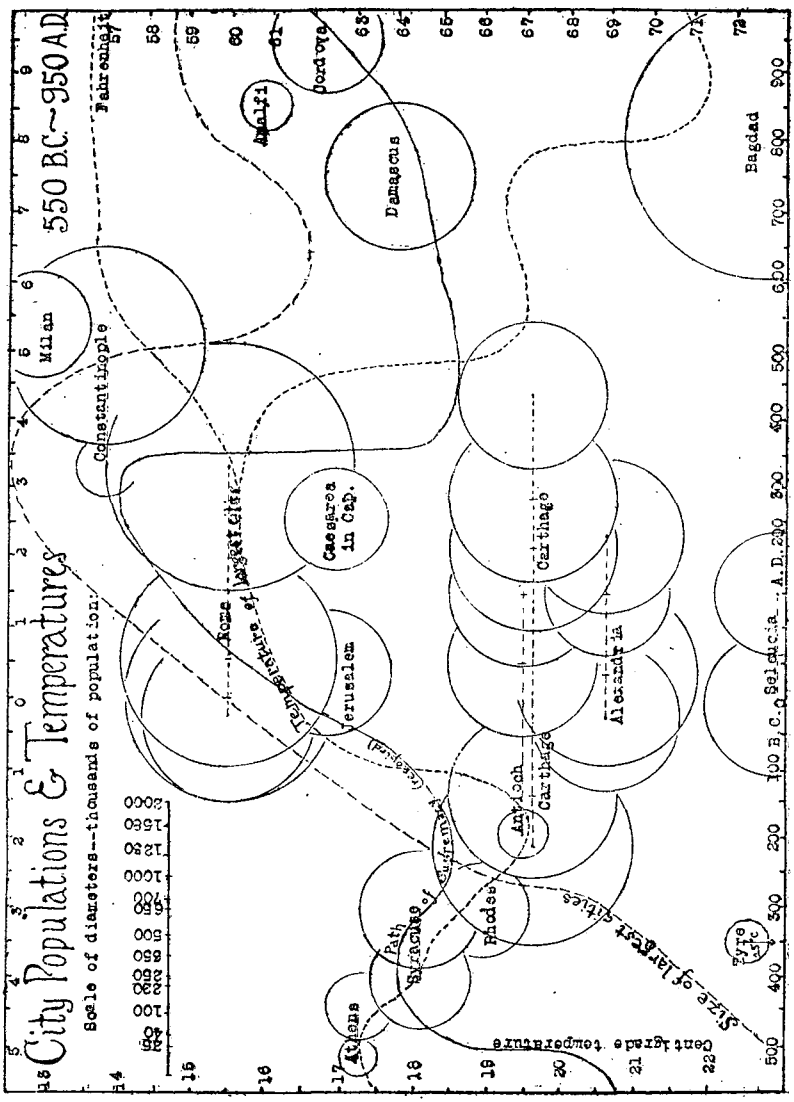
movements across heat latitudes. Especially striking are the parallelisms between the rates of northing and the unprogressive, weary vicissitudes of the first 2400 years, when civiliza-



tion would rise from near barbarism only to fall back thither repeatedly, then, after 1000 B. C. and the introduction of iron, the almost sustained rise to the grandeur and fall of Rome,

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then the slow recovery in the Dark Ages and the faster progress in medieval and modern times.

It is very significant that also *within* each nation civilization has moved coldward in progressing. In practically every country culture has appeared first along the warm edge and has progressed coldward as it developed. Greek civilization began in Crete and ended in Constantinople. The leadership of Italy passed from Sicily through Rome to Milan, and that of Spain from Cadiz to Madrid and Barcelona. German culture began along the Rhine and spread gradually east-northeast, perpendicularly across the isotherms. The nations which are exceptions prove the rule. These are the countries north of the isotherm of 50° F., 10° C., which traces the ridge of contemporary civilization. This very significant line runs from Astoria, Oregon, past Puget Sound, thence to Omaha, Des Moines, Indianapolis, south of Cleveland and Buffalo, a little north of New York, to Dublin, past Liverpool and London, to Rotterdam and Paris, too, along the Rhine valley to Munich, south of Vienna, across Hungary and Rumania to Odessa and Astrakhan, through regions whose increasing monotony of climate makes them no longer available for high civilization, to cross favorable Japan midway between Tokyo and Hakodate.[1] Within each country south of this "ridge" isotherm and north of 70° F., the banner of civilization has passed from south to north, while in each country north of the ridge, civilization has always been highest along the warm edge of that country. The obvious explanation of this unchangedness in the cold countries is that the highest culture yet attained, that found along the most favorable sections of the 50° isotherm, is suited only to the warmest edge of these countries, if to that; but when civilization has advanced further and its ideal or "ridge" isotherm has become a colder one, the northern countries will experience the same internal transfer of regional supremacy that the southern nations have. This always hap-

[1] In the southern hemisphere this isotherm crosses only the southern tips of South America (47° S. Lat.) and New Zealand. Practically the whole hemisphere is climatically hopeless for leadership in civilization, so we have ignored it herein, although it offers much to support and nothing to contradict.

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pened in the past, when a country lay to the north of the ridge isotherm of that epoch.

The importance of a mean annual temperature appropriate to the extant level of culture is strikingly illustrated by the manner in which civilization today closely clusters about the isotherm of 10° C. In different longitudes along this line the culture is of very different grade, because many other factors than temperature exert their influence, such as lack of storms in mountain-shielded regions. But all the highest civilization that the world possesses is grouped about this isotherm, as will be evident from the data given below of the world's cities having populations of over two millions. Here again we have taken size of cities as a good criterion of civilization, but have added certain valuable appraisals of the rank in moral civilization of the regions (such as northern France) in which each city is situated. Drawn from Huntington's *Civilization and Climate*, these were made by geographers and other specially competent people residing all over the world, and rank the regions according to their energy, morality, intelligence and all such moral qualities. The population statistics are the latest obtainable.[1]

[1] American city populations are derived from the 1920 census, increased to a "metropolitan district" figure in the proportion of the 1910 city and metropolitan district figures. Foreign city statistics likewise include one or more suburbs, save in the case of Petrograd, Tokyo, Vienna, Buenos Ayres, Ozaka, Moscow, Peking and Shanghai.

Cities	Temperature		Difference from 50° F.	Year	Population	Regional vigor
	C.	F.				
New York . .	10.6	51.1	1.1	1920	7,635,000	100
London . . .	10.3	50.5	.5	1911	7,521,685	100
Paris	9 9	49.8	.2	1911	4,115,000	99
Berlin	9.1	48.2	1.8	1910	3,974,300	99
Chicago . . .	8.8	47.8	2.2	1920	3,025,000	95
Petrograd . .	3.7	38.7	11.3	1915	2,318,645	82
Tokyo. . . .	13.7	56.7	6.7	1916	2,244,796	83
Vienna . . .	9.7	49.4	.6	1914	2,149,800	94
Average . . .	9.47	49.0	3.05	1916	4,116,778	94

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It will be noted that the average difference from 50° F. is only 3.05°, and if we consider only the five largest cities, which are the acknowledged leaders of civilization, the average departure is only 1.2°, and the temperature 49.5°.

The cities of between one and two millions are, in order: Philadelphia, Boston, Buenos Ayres, Ozaka, Hankau, Constantinople, Calcutta, Moscow, Detroit, Pittsburg, Rio, Pekin and Shanghai, and their average temperature 57.1°. Taking all cities together, the correlation between temperature and regional vigor is .92 [1].

We may now consider it established that civilization has tended to move coldward while advancing and warmward when declining. To account for the fact various theories have been proposed beside the one defended herein. It is said, for example, that it was the irruption of northern barbarians, in the last days of the Roman Empire, which drove civilization southward at the same time that it was declining. It may be doubted whether the German barbarians necessarily hampered civilization greatly. They quickly adopted Rome's religion and much of her culture; Carthage throve under their rule; and they were of the same race as the Normans, who, sailing to warmer climes in Normandy, Ireland and Sicily, speedily assimilated the foreign cultures. The fact of invasion alone affords no good reason for the southward movement of civilization from Milan to Carthage. But culture *was* declining, and we observe that its leadership went southward. As to *why* it deteriorated, for once no explanation is offered, but a doubt is ventured that invasions drove it out of the north.

But even if the argument from barbarian irruptions were valid (and it is true that in most periods of decadence there have occurred invasions by barbarians from colder countries, damaging the northern part of the cultural area more than the southern), still this would not account for the *northward* movements of civilization nor adequately for the southward ones, and would explain only 5 or 10 of the 53 centuries in

[1] All the variations above or below 10° C. and 100 rank were treated as positive, and Pearson's formula was applied.

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view. So is it with many other explanations, such as that the great nations of today are those possessing coal and iron, or that a primitive civilization is assisted by rivers and a higher one by sea-ports, or that nations on peninsulas or large islands will prosper. Each of these theories helps to explain the prominence of individual nations, of Greece, for example, as preceding Bohemia, or of England in the 19th century, but they do not explain the *whole movement*, the close correlation through 5300 years between culture and cold. A miscellaneous collection of theories, chosen like blocks of wood from a scrap-pile by hit-and-miss hunting, a different form to fit each need, a different explanation to suit each section of a unified movement, will prove anything or rather nothing. Only a single, consistent theory can satisfactorily explain a correlation observed to be very close and enduring.

There are but four other and consistent theories known to the writer, and none fits the facts. One is that the isotherms have been moving northward, Europe growing warmer. But the evidence of plant life shows that the warmth of Europe has increased but a degree of two, if at all, in the last 2000 years. Another theory is that civilization has spread by imitation, the torch of culture being passed to neighbor nations. This is almost wholly true; yet the beacon light of cultural supremacy has been lighted now east, now west, passing in most erratic manner over thousands of miles in the same heat latitude, from Constantinople to China, perhaps, from Bagdad to Spain, generally westward, yet most irregularly, and never moving far *across* the isotherms, unless in accordance with our statement of the correlation of culture and cold. Bonacina suggests that perhaps nations, like individuals, mature more slowly in cold climates; but he gives no explanation for this strange idea, and this theory ignores the warmward retrogressions.

The last theory is advanced by Professor Huntington, in *Civilization and Climate*. He has proved that there was more rain in earlier millenniums in such countries as Palestine and southern Italy, and presumably more cyclonic storms with their mental stimulus from daily variations of temperature. With the arid and monotonous desert belt of Saharan climate gradu-

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ally moving northward, civilization would naturally be pushed toward the pole, and it always tends, Huntington claims, to be highest on the belt of maximum storminess. But the theory has too many weak parts, particularly in its connection with historic civilization. The variations in rainfall required, for example, by the rings of growth of the California Big Trees, do not correspond to the ups and downs of civilization. In particular, the greatest southward movement occurred at just the wrong time to agree with the trees. The fall of Rome came in the latter years of an 800-year period of increasing drought, which doubtless had something to do with the catastrophe. But if changing storminess were the cause of geographic movements of civilization, the abode of culture should have gone north, to Gaul or Germany or perhaps to the Black Sea colonies. Instead, it went southward to the edge of the desert, to Carthage, Alexandria and Bagdad.

It should be said that Professor Huntington's theory refers rather to vigor of civilization, independent progressiveness, than to the wealth, learning, empire and other elements of mainly material culture with which we are dealing here. Clovis and Charlemagne were more vigorous than Harûn-al-Rashid, very likely because from the movement of the storm belt they enjoyed a more varied climate. But they were not so civilized.

In the New World, too, the distribution of vigor, present and past, may be according to variability of climate; but the location of culture rather supports our own theory. When America was explored in the 16th century, its climates being approximately the same as today, its highest culture was in the plateaus of Mexico and Peru, which are indeed cool, but this civilization had originated in the baking lowlands of Guatemala, and made its closest approach to civilization proper in Yucatan, on the heat equator. Tribes next in cultural rank were those of our southwest plains, and then those of our southern states and other warm regions and the temperate north-west coast, while our northern states east of the Rockies, with a climate almost ideal, as Huntington finds, for (a modern) civilization, supported only the hardy but savage Algonkins and a group of Iroquois little higher in the arts of life. The New World is another

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demonstration that the same kind of climate is not ideal for all grades of civilization.

To combine Huntington's theory with that of this paper, it may be said that location near a main storm path, with the resultant daily variations of temperature, tends to give a population energy, achievement and empire. This belt of storms has probably moved northward during history. But while the banner of civilization tends to follow these varied skies that make creative lands, it tends more strongly to match its degree of culture with an appropriate degree of temperature, as is made very evident by the four occasions when declines of civilization have been matched by southward trends, and by the lack of correlation between past rainfall and trans-isothermic movements of the banner of civilization, and between the distributions of storms and culture in the Americas of 1500. Storminess affects vigor and progressiveness and the location of leadership, especially as to longitude; but it is mainly temperature that governs the latitude in which it will be found.

To restate our own theory, an essential consideration determining the scene of world leadership in civilization, although by no means the only consideration, is mean annual temperature. This almost invariably falls as the degree of civilization rises and rises when that falls. Many other factors, such as storminess, trade routes, invasions, natural resources, concurrently affect the fate of nations, but mean annual temperature keeps all the variations within 9° F., usually 3°, of the mean most appropriate for that particular degree of civilization, when this is the leader of the world. The reasons for this connection between civilization and temperature are: (1) the greater the heat, the easier it is on the whole to get a living by agriculture, but the higher the civilization, the less it depends upon agriculture; (2) advance of civilization brings increasing power to dwell in a cold climate and to do efficient and important work within doors; (3) an increasingly complex civilization demands more responsibility and stability, characteristics of cool climates; (4) physical efficiency is best promoted by a warmish temperature (64°) and mental by a cool climate (40°), and civilization in its evolution depends increasingly upon

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the mind. A northern climate, with more of stimulating variety from day to day and season to season and with its prevailing coolness and freedom from hot, stupefying summers, makes possible more *thinking* and self-control and a higher civilization builded thereupon than was ever possible in Egypt or in Rome.

If the final purpose of science is control, the next to final purpose is prediction. If we have established for the past the thesis that civilization moves coldward while progressing, we can apply it to the future. For most of us still believe, as we did so confidently before 1914, that civilization will continue to progress, for some centuries at least. We have described the present ridge isotherm, of 50° F., which bisects the greatest urban regions of the world and marks the present or but recently passed, locus of the very highest civilization. When in the coming century civilization shall have progressed to a still higher type, then shall empire, cultural leadership at least, pass on to the colder climes, as it has done so many times before. Detroit, Montreal, Halifax, Stockholm, Riga, Petrograd, have mean annual temperatures of between 47° and 38°. The belt of ideal temperature has in the past swept across France and now blesses only its departments wrecked by the cool destroyers. The diamond belt of empire lies and has lain for a generation fair over the industrial regions of Germany.

Scandinavia has in recent decades shown great cultural activity, as if preparing to lead the world next. Russia is rousing herself from a sleep of ages. In 1914 the most virile architecture was that of the apartment houses of Berlin. In 2000 it will perhaps be found in Detroit and Copenhagen, in 2100 in Montreal, Christiania and Memel.

Farther we need not go. There is no necessity for civilization to be driven into Artic snows; the law of coldward progress could be restated in such terms as would hold true for the past yet not require northward journeying indefinitely in the future. But that will require strange new houses and industries that cannot be discussed here. I see no reason to think that this 5000-year-old process will be altered within the 20th century.

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There are some who believe, and many who fear that civilization, instead of progressing, may now be approaching a sixth decline. Their fears may be increased by the drooping curve which the graph shows from 1500 to 1920, a slowing-up of the coldward movement when one would have expected an acceleration. But other explanations are possible than that this is the beginning of a decline. 1. The previous declines have not had preliminary retardations. 2. The droop may be a mere accident, from other forces. If Chicago or Berlin should presently take the unquestioned lead, the droop would be more than straightened out. 3. Civilization may be approaching its northern limit, as suggested with doubt above, although not its cultural limit. 4. The droop may be due to a too rapid northing in the 16th century, when the focus of civilization, for reasons not connected with temperature, shifted in its northward progress from the northern Mediterranean to the English Channel, and therefore arrived too soon in the north. The natural mid-way points would have been on the west coast of France; and La Rochelle did at one time, under the Huguenots, show great activity and commercial prominence. But the French west coast lacked water transportation routes binding it to a great surrounding region, nor had it the best seamen nor so varied a climate (especially north of La Rochelle) as the Channel lands; the belt of empire swept over it, hardly halting.

So with these four explanations of harmless augury we need not fear the drooping of the curve. On toward the Pole Star the ship of destiny sails yet.

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New York City.

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THE SUPREME COURT AND THE CONSTITUTION
1919–1920

THE nature of a constitution, says Chief Justice Marshall, "requires that only its great outlines be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of those objects themselves." Certainly the Federal Constitution affords ample opportunity for deducing ingredients, major as well as minor. The general terms of the instrument merely point the way. They seldom ascend to particulars and describe in detail what can or can not be done. Thus it is that year by year the effective Constitution is being shaped or reshaped by the Supreme Court. The decisions may be grouped into two classes, though the line of division is far from sharp. Some cases project the great outlines of the written Constitution. They raise issues so broad that their settlement establishes a principle. Others call only for the application of well-established principles to some more or less novel state of facts. Here the court makes no new inquiry into the meaning of the Constitution. What is called for is rather the appraisal of the situation to which the Constitution is to be applied.

This latter group embraces the great majority of the cases which now come before the Supreme Court. During the October, 1919, term of court, which ended in June, 1920, fourteen cases were decided under the obligation-of-contracts clause, not one of which involved any important issue of constitutional principle. Most were concerned with the proper construction of the contract relied on, in order to discover whether the unwelcome legislation did in fact impair it. Of some twenty-five cases on the jurisdiction and procedure of courts, only five raised an issue important enough to be called one of principle. None of the five cases on eminent domain was concerned with anything more than minor details. Not more than six or seven of the nineteen cases on police power can be said to establish anything of the dignity of a principle. On the other hand a

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majority of the cases on taxation, on the immunities of persons charged with crime and on the division of functions between the states and the nation, involve questions of constitutional principle. They mark the "great outlines", as distinguished from the "minor ingredients", of that part of our Constitution that is made by the Supreme Court.

The line of division thus indicated is plainly influenced by legislation growing directly or indirectly out of the war. The Espionage Act brought to the fore the issue of freedom of speech. The need for increased revenue prompted the legislation which raised important constitutional issues of the limits of the taxing power. The war contributed also to the disputes on the power to amend the Constitution and on federal control of the liquor traffic. The major constitutional issues of any year depend upon the legislative activities of that year and the few years previous. It is not to be assumed, therefore, that the same constitutional issues which have enjoyed the limelight during the past year will occupy the center of the stage in years to come. Each decade has its peculiar constitutional problems to solve. The marking of "great outlines" in one generation settles issues which leave only the deduction of minor ingredients for the generations which succeed. Thus far, however, there have always been new outlines to be drawn, new fields to explore. A considerable number of the constitutional questions considered during the past year are distinctly novel. Such questions and the answers given to them dictate the major interest of this review of the work of the Supreme Court for the October term of 1919.

The Federal Constitution may be divided into two parts, which Professor Burgess has called, respectively, the constitution of government and the constitution of liberty. The constitution of government outlines the scope of national powers, apportions those powers among the three departments of the national government and provides that the powers not granted to the nation are reserved to the states or to the people thereof. The cases interpreting the constitution of government tell us what is within the field of national authority and point out the restrictions laid on the states by the existence or the exercise of

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national power. The constitution of liberty marks those limitations on governmental action which are prompted by the desire to leave the individual free from other interference than that imposed by the common law. Some of these limitations apply only to the government of the United States, some only to those of the states, some to both. These divisions and subdivisions of our Federal Constitution suggest the classification which follows.

I. The States and the Nation

A. *The Scope of National Authority*

The most fundamental though not the most difficult of the questions with which the Supreme Court had to deal during the past term was whether there was an Eighteenth Amendment to the Federal Constitution. The validity of what purported to be such an amendment was challenged on the grounds that it had not been formally proposed and ratified and that the substance of its provisions was not within the scope of the amending power. The two main specifications of this latter charge were that the amendment was mere legislation which could not be enacted by the amending power and that it deprived the states of their police powers secured by the Tenth Amendment and thereby altered the Constitution so fundamentally as to be not an "amendment" but a first step towards destruction. It was also urged that the new matter thus sought to be introduced into the Constitution was a mere "addition" and not an "amendment", because it was not germane to anything in the original Constitution. In dealing with these complaints against the content of the amendment, the opinion of the court in Rhode Island *v.* Palmer[1] contented itself with affirming its conclusion to the contrary, without stating its reasons. An equally summary dismissal was given to the objection that, since the Constitution empowers Congress to propose amendments "whenever two-thirds of both Houses shall deem it necessary", the amendment was invalid for want of explicit statement in the enacting clause that it was deemed necessary

[1] 252 U. S. —, 40 Sup. Ct. 486.

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by those who voted for it in Congress. The opinion also affirmed that the two-thirds vote in each house was satisfied by two-thirds of a quorum and did not require two-thirds of the entire membership. This was supported by an earlier decision[1] approving the same mathematics for the passage of a bill over the president's veto.

Mr. Justice Van Devanter asserted also that the ratification by state legislatures was final and not subject to a referendum under state constitutions. This was based on Hawke *v.* Smith,[2] decided a week earlier. In this case it was held that the Federal Constitution, when it said state legislature, meant state legislature and not state legislative power. The power to ratify a proposed amendment "has its source in the federal Constitution" and "the choice of means of ratification was wisely withheld from conflicting action in the several states." Such ratification by a state legislature is not an act of legislation but the expression of the assent of the state to a proposed amendment. The inference from these declarations is that the state legislature in ratifying amendments acts as a federal and not a state agency and is therefore not subject to any state dictation. This inference justifies the reported opinion of the Assistant Attorney General that a state legislature is not precluded from acting on an amendment by reason of a provision in the state constitution that a state election must intervene between the

[1] Missouri Pacific Ry. Co. *v.* Kansas (1919) 248 U. S. 276. In this case the Chief Justice had supported his contention by reference to the fact that the early amendments had been proposed by a vote of less than two-thirds of the entire membership of both houses, thus showing that the members of the first Congress, many of whom had been members of the Federal Convention or of state ratifying conventions, regarded a vote of two-thirds of a quorum as sufficient.

[2] 252 U. S. —, 40 Sup. Ct. 495. Some have assumed from this decision that we must have an amendment to the Federal Constitution in order to give states the power to apply their referendum provisions to the ratification of future amendments. The same end may be gained in another way. Congress may now submit amendments to conventions in the states. If the members of these conventions are chosen on a general state-wide ticket, a ticket of candidates pledged to vote "yes" can be put up against one pledged to vote "no". It would seem that Congress has the power to require elections to the state conventions to be by general, state-wide ticket. If Congress should not specify, the matter would necessarily have to be determined by state law.

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proposal of an amendment by Congress and its consideration by the state legislature.

Having sustained the validity of the Eighteenth Amendment, the court was then called upon to consider what it meant by vesting in "Congress and the several states . . . concurrent power to enforce" it "by appropriate legislation." Mr. Justice McKenna insisted that "concurrent power" could be exercised only by united action and not by separate and independent action. This would mean that congressional legislation which depended on the amendment for its validity must be concurred in by a state before being enforcible there. But Mr. Justice McKenna was alone in this conviction. Mr. Justice McReynolds declined to express himself on the point. The Chief Justice conceded that the words of the clause naturally conveyed the meaning that Mr. Justice McKenna put upon them but insisted that such an interpretation must be rejected because it would frustrate the declared purpose of the amendment. The opinion of the court, by Mr. Justice Van Devanter, affirmed that "concurrent power" does not mean joint power and that congressional legislation "is in no wise dependent on or affected by action or inaction on the part of the several states or any of them." So the Volstead Act was sustained with its limit of one half of one per cent of alcohol. It was recognized that "there are limits beyond which Congress cannot go in treating beverages as within its power of enforcement", but what had been held proper in the War Prohibition Act was thought proper under the power conferred by the amendment.[1] The

[1] A difference between the state police power and the national war power, on the one hand, and the power conferred by the Eighteenth Amendment on the other, was not considered in the opinion of the court. In Purity Extract Co. *v.* Lynch (1912), 226 U. S. 192, a state was allowed to forbid the sale of non-intoxicating malt liquors against the complaint that this denied due process of law. As the state possessed general, undefined reserved police power, the only question was whether property and liberty were unjustifiably interfered with. In the war prohibition cases, considered *infra*, page 418, the war powers of Congress were also declared to be general powers. But the prohibitory clause of the first section of the Eighteenth Amendment is confined to "intoxicating liquors . . . for beverage purposes." If the power of enforcement conferred by the second section is construed to authorize the prohibition of non-intoxicating liquors or of any liquors for other then beverage purposes, the effect is to delete from the first section the words "intoxicating" and "for

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considerations which guided the court are not disclosed, as the opinion confined itself to stating conclusions. The Chief Justice thought this self-restraint a matter for regret and so contributed a concurring opinion, but this dealt only with the interpretation of the Amendment and not with its validity.

The unsettled question of the scope of the treaty-making power was presented in Missouri *v.* Holland.[1] Congress had passed a statute to enforce the Migratory Bird Treaty, and the State of Missouri claimed that its reserved powers were encroached upon. Mr. Justice Holmes said that the only question was the validity of the treaty, since there is no doubt that the necessary and proper clause gives Congress power to enforce a treaty by legislation. He raised the question whether there is any other test of the validity of a treaty than compliance with the formal requisites for concluding it, implying that significance might attach to the declaration in the Constitution that treaties are the supreme law of the land when made "under the authority of the United States" while acts of Congress are similarly honored only when made "in pursuance of the Constitution." If this suggestion should ever receive explicit sanction, treaties formally concluded would be immune from all constitutional limitations, even those in favor of private rights. In the present case Mr. Justice Holmes contented himself with his hint and based his decision on other grounds. He pointed out that the treaty does not contravene any prohibitory words in the Constitution and said that "the only question is whether it is forbidden by some invisible radiation from the general terms of the Tenth Amendment." That is, does it encroach on the reserved powers of the states? The fact that but for the treaty the state might regulate the capture of wild game as

beverage purposes." The decision of the court would seem to be justified only if it means that there is enough doubt about the exhilarating effect of beverages containing only one-half of one per cent of alcohol so that the judgment of Congress will not be interfered with. Of course the second section of the amendment must authorize Congress to regulate the manufacture and sale of non-intoxicating liquors so as to prevent evasion of the prohibition against intoxicating liquors, but it would seem that this regulation must stop short of prohibition, notwithstanding the different rule in the case of the war power and the state police power.

[1] 252 U. S. —, 40 Sup. Ct. 382.

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it chose was brushed aside on the authority of earlier cases. "No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power." Turning to the particular treaty before the court, Mr. Justice Holmes observed:

> Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another power. The subject matter is only transitorily within the State and has no permanent habitat therein. But for the treaty and the statute there soon might be no birds for any powers to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States. The reliance is vain, and were it otherwise, the question is whether the United States is forbidden to act. We are of opinion that the treaty and the statute must be upheld.

It is to be noted that the decision is placed on grounds which would not necessarily support treaties with foreign powers regulating conditions of labor, as now proposed in some quarters, and yet that hints are thrown out which would lend sanction to such a treaty. Even if the existence of a national interest of considerable magnitude is accepted as a prerequisite, well-established canons of judicial action would make this question a political one, on which the court would accept the judgment of the political departments of the government. Mr. Justice Holmes made it clear that lack of precedent sets no constitutional obstacle in the way of novel exertions of the treaty-making power. He bids us realize that the Constitution has "called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters", and adds that "the case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago." States rights' opponents of the expansion of the treaty-making power are not likely to find much comfort in the opinion. They will be glad to note, however, that there was dissent from Justices Van Devanter and Pitney. The absence of a dissenting opinion leaves us in the dark as to their reasons.

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War prohibition was approved in Hamilton *v.* Kentucky Distilleries and Warehouse Co.[1] and Ruppert *v.* Caffey.[2] Mr. Justice Brandeis conceded that "the war powers of the United States, like its other powers and like the police powers of the states, is subject to applicable constitutional limitations." He laid down, however, that Congress under the war power may deal with the liquor traffic in any way that is open to the states under their reserved police powers, since there is no doubt that prohibition of the traffic is an appropriate means of increasing war efficiency. In the Hamilton case the court was unanimous in sustaining the act passed shortly after the armistice, which was interpreted as putting a ban on intoxicating liquor only. Though the war emergency was found not to have passed when the suits involving that statute had been brought, there was an implied concession that there might come a time when the validity of war legislation originally constitutional would be destroyed by change of circumstances. In the Ruppert case, which involved the Volstead Act, passed on October 28, 1919, a minority of four thought that the war emergency had passed when Congress acted, but the majority declined to overrule the judgment of Congress on the point. They held also that non-intoxicating liquor might be included in the prohibition as a means of making sure that no intoxicating liquor escaped. To this the minority objected, saying that it was implying a power from an implied power and asking where was the limit. Mr. Justice Brandeis answered that this was a mere matter of words —that all the powers of Congress are express powers. Some are specific and some, like those conferred by the necessary and proper clause, are general. But a general power may be exercised to the extent which Congress may reasonably think necessary to effectuate the legitimate end in view. These and other objections to the legislation on account of its interference with property were found to be foreclosed by cases dismissing similar complaints against state legislation.

Under the commerce clause the most important decision was

[1] 251 U. S. 146, 40 Sup. Ct. 106.

[2] 251 U. S. 264, 40 Sup. Ct. 141.

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Strathearn S. S. Co. *v.* Dillon,[1] which sustained a provision in the Seamen's Act allowing foreign sailors on foreign vessels to demand in any American port half the wages earned to date, notwithstanding a contract made abroad which postponed the right to any wages until the voyage was over. If the demand for half wages is not complied with, the seaman is allowed to sue in the federal courts for all back wages. The result of the enforcement of such a statute is of course to deprive foreign owners in foreign ports of any security in a wage contract valid where made. The United States makes a new contract for them when their boats touch our ports. The constitutionality of such action was affirmed on the authority of an earlier decision,[2] which was said to establish "that it was for this government to determine upon what terms and conditions vessels of other countries might be permitted to enter our harbors, and to impose conditions upon the shipment of sailors in our own ports and make them applicable to foreign as well as to domestic vessels." A moral justification for the statute was proffered when discussing its interpretation. American seamen would be at a disadvantage in obtaining employment on foreign ships if foreign seamen were bound by their contracts while they were not. Foreign ships would be favored if they were free from restrictions which American ships must endure. The principle of the decision suggests interesting possibilities in the way of closing our ports to foreign vessels whose hospitality on the high seas is not to our liking.

The same principle lies back of Board of Public Utility Commissioners *v.* Ynchausti & Co.,[3] in which a company operating ships in the coast-wise trade of the Philippine Islands was denied escape from a condition in the license requiring free carriage of mail. The power to deny a license was held to carry with it the power to annex conditions to a grant. There is a suggestion in the opinion that under the doctrine of the Insular Cases this plenary power is greater when legislating for the

[1] 252 U. S. —, 40 Sup. Ct. 350.

[2] Patterson *v.* Bark Eudora (1903) 190 U. S. 169.

[3] 252 U. S. 401, 40 Sup. Ct. 277.

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Philippines than for the American continent. This saves the decision from being a precedent in favor of similar regulation of interstate commerce. But congressional power over foreign commerce has been so frequently declared to be plenary that there is little doubt that ships in such commerce could be forbidden to land at American ports unless they carried mail without charge.

In only one decision was Congress held to have stepped outside the field of its power. This is Knickerbocker Ice Co. *v.* Stewart[1], which declared unconstitutional an amendment to the Federal Judicial Code changing the admiralty and maritime jurisdiction of the federal courts so as to save "to claimants their rights and remedies under the workmen's compensation laws of any state." The majority seemed to concede that Congress might enact rules of maritime law, but they insisted that such rules must be uniform. The minority pointed out that the Constitution contains no requirement of uniformity and reminded their brethren that the court had sustained another provision in the code which enjoined federal courts to conform as nearly as practicable to the practice prevailing in state courts. Another fault found by the majority was that Congress was here delegating its powers to the states. For the minority, Mr. Justice Holmes pointed out that the New York Workmen's Compensation Law here sought to be applied was in force when the federal statute was enacted and might therefore be regarded as having been adopted by Congress as part of its own legislation. It is plain that there is no language in the Constitution which required the decision of the majority. Their action must depend for its support upon an assumption that the scheme of maritime law contemplated by the Fathers excluded the possibility of any serious intrusion by the states, even with the consent of Congress. Yet some state laws have been enforced by the federal admiralty courts without any suggestion from Congress. There are undoubtedly disadvantages incident to a different rule of tort liability in every port in which a vessel lands and different tribunals for enforcing the liability.

[1] 252 U. S. —, 40 Sup. Ct. 438.

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Yet it seems absurd that the rights of a seaman should depend upon whether he stubs his toe on the gangway or on the dock. The result of the decision should move Congress to enact a workmen's compensation law for injuries within the admiralty jurisdiction, as the majority opinion hints that it constitutionally may do.

The other cases on the scope of federal power are of minor importance. Carrying whiskey for private use across state lines in an automobile was held to be interstate commerce over the dissent of Mr. Justice Clarke, who thought that some element of business was essential to the conception of commerce.[1] Advertising was held not commerce even though the papers circulated in interstate commerce.[2] There were several decisions on the question whether employees or passengers were engaged in interstate commerce or on interstate journeys at the time of the injuries for which suit was brought. The Steel Case[3] and the Reading Case[4] raised important issues as to the application of the Sherman Act, but it was conceded that the defendants were engaged in interstate commerce. The Adamson Law was construed as not applicable to a minor, insolvent railroad whose employees were willing to contract outside of the act.[5] The power of Congress as guardian of the Indians was held to authorize action granting a right of way over Indian lands[6] and protecting Indians from state taxation.[7] The constitutionality of the Selective Service and Espionage Laws was reaffirmed. Prosecutions under the latter law raised important issues as to the constitutional guarantee of freedom of speech. But such questions concern not the field of federal power but limitations on the exercise of such power. The cases which

[1] United States *v.* Simpson, 252 U. S. —, 40 Sup. Ct. 364.

[2] Blumenstock Bros., Advertising Agency *v.* Curtis Publishing Co., 252 U. S. —, 40 Sup. Ct. 385.

[3] United States *v.* United States Steel Corporation, 251 U. S. 417, 40 Sup. Ct. 293.

[4] United States *v.* Reading Co., 252 U. S. —, 40 Sup. Ct. 425.

[5] Fort Smith & W. R. Co. *v.* Mills, 252 U. S. —, 40 Sup. Ct. 526.

[6] Nadeau *v.* Union Pacific R. Co., 252 U. S. —, 40 Sup. Ct. 570.

[7] United States *v.* Board of Commissioners, 251 U. S. 128, 40 Sup. Ct. 100.

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help to delimit the sphere of individual liberty will be reviewed in later sections.

B. *Restrictions on the States because of Powers enjoyed by the Nation*

The traditional difficulties of serving two masters and of being between the devil and the deep sea make necessary some limitations on the powers of the states by reason of the existence or the exercise of power by Congress over the same subject matter. It would be unfortunate for a man to be punished by one government for obeying the command of another. A state law in conflict with a valid act of Congress is inoperative. When the state and the national law are not in conflict, the question usually is whether Congress has covered the whole field and meant that what it has left alone shall go unregulated. When Congress has not exercised its power at all, state action under the reserved powers is held valid or invalid according to the supposed test of some flexible formulae which leave the courts measurably free to decide each case as they think best. An exercise of state police power is said not to be a regulation of interstate commerce when it merely incidentally affects it. Such factual regulations are forgiven if they are little ones. Even if the state affects interstate commerce enough to amount to a "regulation" of it, its action may be valid as a regulation of interstate commerce, if the subject matter regulated is deemed one in which diversity of treatment among the several states is desirable. Congress of course is still free to step in and supersede the state regulation with laws of its own.

In several cases during the past term regulation by Congress was held to preclude state action. A federal statute allowing interstate telegraph companies to charge different rates for different kinds of messages was held to take their interstate contracts under federal control and therefore to prevent the application of a state statute forbidding them to contract against liability for negligence in failing to deliver an interstate message.[1] A federal prescription of the equipment for caboose

[1] Postal Telegraph-Cable Co. *v.* Warren-Goodwin Lumber Co., 251 U. S. 27, 40 Sup. Ct. 69; Western Union Telegraph Co. *v.* Boegli, 251 U. S. 315, 40 Sup. Ct. 167.

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cars and mail cars when used on the end of an interstate train was held to cover the whole ground of rear cars on such trains and to negative the possibility of state regulation on the matter.[1] This did not meet with the approval of Mr. Justice Clarke, who insisted that the federal regulation did not deal with the make-up of trains and that therefore the state was still free to prescribe the equipment of the end car.

In the absence of any federal action touching the matter, a state was allowed to regulate the rates charged to consumers for natural gas piped in from another state.[2] The court recognized that the commerce was interstate but held that the service was essentially local and not one that needed uniformity of regulation throughout the whole country. Therefore the state was free to act until Congress chose to do so. So also a state was allowed to require Jim Crow cars on an electric railroad whose cars came in from other states with interstate passengers.[3] The regulation was said to affect interstate commerce only incidentally and not to subject it to unreasonable demands. Three judges dissented, insisting that the regulation was unreasonable in view of the facts that in the neighboring state the road was not allowed to compel the separation of passengers according to race and that the attachment of an extra car at the state line would "burden interstate commerce as to cost and in the practical operation of the line." Though the court deals with the issue as one to be settled by reasoning, it is difficult to believe that the tolerance of the majority was unaffected by tenderness towards some strongly-held sentiments. The case can hardly be taken as a reliable precedent in favor of equally extensive state regulation of other incidents of interstate traffic.

State taxation of interstate commerce is, according to recognized doctrine, wholly unconstitutional. Yet some state taxes which affect interstate commerce are allowed where the effect

[1] Pennsylvania R. Co. *v.* Public Service Commission, 250 U. S. 566, 40 Sup. Ct. 36.

[2] Pennsylvania Gas Co. *v.* Public Service Commission, 252 U. S. 23, 40 Sup. Ct. 279.

[3] South Covington & Cincinnati St. Ry. Co. *v.* Kentucky, 252 U. S. —, 40 Sup. Ct. 378.

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is deemed indirect. Often the question before the court is whether the subject taxed is interstate or local in character. Goods from other states which have reached their destination are subject to a general property tax even though still in their original package in the ownership of the person who has introduced them into the state.[1] Persons selling such goods at auction or as commission merchants are liable to a state license tax.[2] So in Wagner *v.* Covington [3] it was held that a Kentucky city might impose a license tax on an Ohio wholesaler of soft drinks who sent his wares to Kentucky in a wagon from which they were sold in the original packages. In support of the decision Mr. Justice Pitney says:

> Of course the transportation of plaintiffs' goods across the state line is of itself interstate commerce; but it is not this that is taxed by the city of Covington, nor is such commerce a part of the business that is taxed, or anything more than a preparation for it. So far as the itinerant vending is concerned, the goods might just as well have been manufactured within in the state of Kentucky; to the extent that plaintiffs dispose of their goods in that kind of sales, they make them the subject of local commerce; and, this being so, they can claim no immunity from local regulation, whether the goods remain in the original packages or not.

This seems to be well supported by the precedents. Yet Justices McKenna and Holmes dissented. Certainly if such sales within a state cannot be taxed, wholesalers across the state line are favored at the expense of competitors within the state where the customers are.

When we turn to Askren *v.* Continental Oil Co.,[4] decided only four months later, we meet a different result. Here New Mexico was forbidden to impose a license tax on sales within the state of oil in the tank cars or barrels in which it had come from another state. Mr. Justice Day declared that "under the federal Constitution the importer of such products from an-

[1] Brown *v.* Houston (1885) 114 U. S. 622.

[2] Woodruff v. Parham (1869) 8 Wall. 123.

[3] 251 U. S. 95, 40 Sup. Ct. 93.

[4] 252 U. S. —, 40 Sup. Ct. 355.

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other state into his own state for sale in the original packages, had the right to sell the same in such packages without being taxed for the privilege by taxation of the sort here described." The decision rests on the facts that the purchasers bought all the oil in any given tank car or bought full barrels. For it was said that such part of the business as "consists in selling gasoline in retail in quantities to suit purchasers" was properly taxable by the state. "So long as there is no discrimination against the products of another state . . . the gasoline thus stored and dealt in, is not beyond the taxing power of the state." For this, the Covington case is cited.

The line between these two cases is a fine one. Both involved license taxes on a business. Both involved sales in the original package. Both involved sales to purchasers who might either resell or consume the liquid. The difference is not one between sales at wholesale and sales at retail. It must be either one between sales of small and sales of larger quantities or one between sale by peddling and sale *in situ* or the combination of the two. The decisions can hardly depend on some constitutional difference between ginger ale and gasoline. Whatever the line of division may be, it is not satisfactorily pointed out in the opinions. The court may have been influenced by the facts that no gasoline was produced in New Mexico, while ginger ale is now made in Kentucky, but it did not profess to be. The best guess seems to be that the court is now convinced that as a general rule sales in the original package of goods of extra-state origin should be exempt from taxation, but out of deference to precedents it grants an exception in favor of such sales in some special way, as at auction or by commission merchants or by peddling.

Two cases which held states within their constitutional bounds belong both to the constitution of government and the constitution of liberty. Kenney *v.* Supreme Lodge [1] held that Illinois denied full faith and credit to an Alabama judgment giving damages for negligent killing of plaintiff's intestate. The Illinois court had held that, inasmuch as the Illinois statute denied

[1] 252 U. S. —, 40 Sup. Ct. 371.

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Illinois courts jurisdiction of an action for wrongful death in another state, Illinois courts had no jurisdiction to entertain suits on judgments obtained in other states on such causes of action originating there. But the Supreme Court held that the full faith and credit clause applies to such judgments and that Illinois can not "escape its constitutional obligations by the simple device of denying jurisdiction in such cases to courts otherwise competent." Wallace *v.* Hines[1] held that North Dakota may not measure an excise tax on railroads by that proportion of the total value of the railroad property in all the states as the mileage in North Dakota bears to the total mileage. A mile of track over the sparsely settled plains of this agricultural state was thought not to be equal in value to a mile in more populous sister states. The case settles a doubt which some have entertained as to whether the same restrictions apply to excise taxes as to property taxes. It establishes that any device which in effect assesses extra-territorial values is a wrongful regulation of interstate commerce and a denial of due process of law.

II. GOVERNMENT AND THE INDIVIDUAL

A. *Restrictions on National Power*

In holding that the federal income tax could not assess the salary of a federal judge commissioned prior to the enactment of the Income Tax Law, Mr. Justice Day was careful to point out that the restriction was due not to any desire to benefit the judges but to a purpose to protect the independence of the judiciary against any threats from the legislature. Evans *v.* Gore,[2] therefore, belongs properly with the decisions clarifying the constitution of government rather than with those defining the liberty of individuals. It is treated at this point from motives of convenience rather than of perfection of classification. The case arose under a constitutional prescription that "the judges . . . shall . . . receive for their services a compensation, which shall not be diminished during their continu-

[1] 252 U. S. —, 40 Sup. Ct. 435.

[2] 252 U. S. —, 40 Sup. Ct. 550.

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ance in office." Is a judicial salary diminished because it is included in the assessment of a general, country-wide tax on net income? Mr. Justice Holmes thought not, and Mr. Justice Brandeis agreed with him. The best reason given for this conviction was that the income tax is not formally a diminution of the salary and that "to require a man to pay the taxes that all other men have to pay cannot possibly be made an instrument to attack his independence as a judge." Such a tax can hardly induce the judge to return to private practice, for he would meet the collector there also. But the majority insist that the Constitution forbids diminution of the salary "by taxation as well as otherwise" and rest the case on that proposition, without meeting specifically the argument that the generality of the tax saves it from being the menace that direct reduction of pay would be. The dissenting opinion adduced two other arguments. One was that at some point money received as salary loses its specific character as such and that it is sensible to say that the compensation from the government loses its identity by being mingled with the general funds of the owner. The other was that any possible implied limitation is explicitly removed by the Sixteenth Amendment, which gives Congress power to levy a tax "on incomes, from whatever source derived." As to this, the majority followed previous dicta in holding that the Sixteenth Amendment merely precludes looking at the source of income to discover whether a tax thereon is direct or indirect within the constitutional provision requiring direct taxes to be apportioned among the states according to population.

This constitutional provision requiring the apportionment of direct taxes, and the effect of the Sixteenth Amendment thereon, came before the court also in Eisner *v.* Macomber,[1] which held that stock dividends can not be included in the assessment of a federal tax on net incomes. Mr. Justice Holmes thought that the Sixteenth Amendment was designed to do away with nice questions as to what were direct taxes and also that anything which could popularly be thought income

[1] 252 U. S. —, 40 Sup. Ct. 189.

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might be regarded as such by Congress notwithstanding technical objections. Here also the majority declared that the Sixteenth Amendment merely removed the requirement of apportionment from a federal income tax, whatever the source of the income. It has no application to what is not really income. A stock dividend was said to be merely a sign of an increment of capital. It is not income, since the corporation parts with no assets and therefore the stockholder receives none. Receipt is essential to income. The case was doubtless put on this particular ground, rather than on the fact that the stock dividend might not represent any gain to the stockholder, because cash dividends and dividends in stock of subsidiary corporations had been held to be income irrespective of whether they brought gain to the recipient. Mr. Justice Brandeis, with whom Mr. Justice Clarke agreed, thought that a stock dividend was substantially the same thing as an extraordinary cash dividend coupled with rights to subscribe for new shares, and that since such a dividend is held income, a stock dividend should be also. He believed that when the stockholder's proportionate interest in the corporate surplus becomes symbolized by new stock which he is free to dispose of as he chooses, he receives something substantial that he did not have before. But the majority came back to their point that there had been no separation or receipt of anything so long as the corporation parted with no assets. Since a stock dividend is capital and not income, a tax thereon is a direct tax which cannot be levied without apportionment among the states. Mr. Justice Brandeis, in his dissent, sought comfort from the rule in many jurisdictions that a stock dividend is income to a life tenant of a trust to the extent that it represents gain to the trust estate since its creation. This, he insisted, shows that transfer of assets by the corporation to the stockholder is not essential to the legal concept of income. But he would have stretched the principle to cases where the stock dividend does not represent gain to the stockholder. The court, it is submitted, would have done well to accept the dividend as a sufficient separation to the extent that it represents gain and thus to have taken a position midway between that of the majority and that of the minority.

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Another five-to-four difference of opinion was occasioned by a statute of Congress which was construed by the majority to limit the amount which any attorney could recover from a client for prosecuting certain Civil War claims against the government. It had previously been held by a unanimous court that Congress might restrict the attorneys from getting more than twenty per cent of the fund actually derived from the government. In Calhoun *v.* Massie,[1] Mr. Justice McReynolds and three of his colleagues insisted that Congress must stop at this point and not interfere with any contract entitling the attorney to compensation that could be collected from other assets of his clients. Such an interference was thought to be a denial of due process of law. But the majority, speaking through Mr. Justice Brandeis, pointed out that the contract gave the attorney no right to anything unless the government acted favorably on the claim, that any payment depended upon the grace or favor of Congress, and hence the power which could spoil the attorney's chance of getting anything might limit his fee to twenty per cent of what the client was awarded. The contending opinions concerned themselves mostly with the question of the meaning of the statute. The interpretation of the majority hardly admits of doubt, yet Mr. Justice McReynolds went to the limits of courtesy in criticizing their conclusion and the reasons given in its support. He made much of a failure to mention a dictum in an earlier case implying a contrary interpretation, while he himself paid no attention to the clause in the statute on which the majority relied. Nothing was said in either opinion on the possible question whether such a regulation of contracts might be an encroachment on the reserved powers of the states.

In three cases sustaining convictions under the Espionage Law there was dissent on constitutional grounds by Justices Holmes and Brandeis. Most of their discussion is directed to the contention that the acts charged and proved were not within the statute. In Abrams *v.* United States[2] Mr. Justice Holmes

[1] 252 U. S. —, 40 Sup. Ct. 474.

[2] 250 U. S. 616, 40 Sup. Ct. 17.

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insisted that the exhortation to curtail production of munitions indulged in by the defendants was with the intent "to help Russia and stop American intervention there against the popular government—not to impede the United States in the war that it was carrying on." But the majority held that intent under the statute and under the Constitution is something that the jury may infer from probable consequences. They did not question the principle declared by Mr. Justice Holmes the year before in sustaining a conviction against the objection that it was opposed to the constitutional guarantee of freedom of speech. This was that "the question in every case is whether the words . . . are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." So in these later cases the disagreement between the majority and the minority is on a matter of degree, at least so far as the constitutional issue is concerned. The specific objections to sustaining the convictions are directed toward the interpretation of the statute and the legitimacy of the juries' inferences from the evidence. The paragraphs that in any direct way relate to the Constitution are expressions of a general faith in the wisdom and desirability of not curtailing the production of opinions, even though odious and unwarranted, unless that production plainly menaces the prosecution of the war. The fervor with which that faith is held will determine the extent to which appellate tribunals will supervise the findings and inferences of juries. The practical effect of the First Amendment depends a good deal upon the temperament of the men who from time to time compose the Supreme Court. In the Abrams case the defendants produced a circular that explicitly urged curtailment in the production of munitions. In Pierce *v.* United States[1] the offense was committed by a pamphlet telling of the horrors of war and the blessings of socialism. It was very far from an invitation to follow in the train of those who were helping to fight the forces of those against whom war had been officially declared. Schaefer *v.* United States[2] was the weakest

[1] 252 U. S. —, 40 Sup. Ct. 205.

[2] 251 U. S. 466, 40 Sup. Ct. 259.

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case for the government. The defendants had reprinted an article from a German newspaper which had slurs on the excellence of Great Britain and on the military might of the United States. "Coarse and heavy humor," Mr. Justice Brandeis called it. But Mr. Justice McKenna answered: "The articles were adapted to the situations, and, we may say, allusion and innuendo could be as effective as direct charge, and 'coarse or heavy humor', when accompanied by sneering headlines and derision of America's efforts, could have evil influence." As a result of these decisions it is plain that no exhortation or ridicule at all likely to promote disaffection in war time is immune from punishment by reason of the constitutional prohibition that "Congress shall make no law . . . abridging the freedom of speech, or of the press."

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated", says the Fourth Amendment to the Constitution. Heedless of this prescription, federal officers ransacked the office of a manufacturing company, while its officers were detained under arrest. Various papers were taken to the office of the District Attorney and photographed. The originals, by order of the District Court, were then returned to their rightful owners. After a new indictment, a subpoena was issued against the company and its president, ordering the production of some of the papers so returned. In Silverthorne Lumber Co. *v.* United States,[1] Mr. Justice Holmes had this to say of the demand of the government:

> The proposition could not be presented more nakedly. It is that although of course its seizure was an outrage which the Government now regrets, it may study the papers before it returns them, copy them, and then may use the knowledge that it has gained to call upon the owners in a more regular form to produce them; that the protection of the Constitution covers the physical possession but not any advantages that the Government can gain over the object of its pursuit by doing the forbidden act.

Such a contention was said to reduce the Fourth Amendment

[1] 251 U. S. 385, 40 Sup. Ct. 182.

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to a form of words. A corporation may not be privileged from producing its papers on a proper demand, but its rights "against unlawful search and seizure are to be protected even if the same result might have been achieved in a lawful way." Contempt proceedings against the corporation and its officers for refusing to obey the subpoena were therefore ordered dismissed. Such is the law of the Constitution as laid down by the Supreme Court. But, as a learned writer has reminded us, there is sometimes a difference between law in books and law in action.

B. *Restrictions on State Powers*

In many years the most important work of the Supreme Court is found in decisions fixing the limits of state police power. During the last term, however, no major police issues reached Washington. Nearly two-thirds of the complaints came from public-utility enterprises. Street railroads obtained no relief from orders compelling them to pave[1] and sprinkle[2] the parts of the streets occupied by them, to have two men on every car,[3] and to put up no new poles or wires without the consent of the city.[4] But the police power was held not to justify a municipal command to remove and relocate poles so as to make room for the equipment of a new traction system which was being constructed by the city.[5] A company which abandoned the operation of an unremunerative narrow-gauge railway was held justified, notwithstanding the fact that its profits from lumbering were enough to leave it a nice return even if it lost money on the railway.[6] An order to a railroad to install cattle scales was annulled on the ground that this was a separate private function which could not be made part of the duty of a public-service company.[7]

[1] Milwaukee Electric Ry. & Light Co. *v.* Wisconsin, 252 U. S. 100, 40 Sup. Ct. 306.

[2] Pacific Gas & Electric Co. *v.* Police Court, 251 U. S. 22, 40 Sup. Ct. 79.

[3] Sullivan *v.* Shreveport, 251 U. S. 169, 40 Sup. Ct. 102.

[4] Hardin-Wyandot Lighting Co. *v.* Upper Sandusky, 251 U. S. 173, 40 Sup. Ct. 104.

[5] Los Angeles *v.* Los Angeles Gas & Electric Corporation, 251 U. S. 32, 40 Sup. Ct. 76.

[6] Brooks-Scanlon Co. *v.* Railroad Commission, 251 U. S. 396, 40 Sup. Ct. 183.

[7] Great Northern Ry. Co. *v.* Cahill, 252 U. S. —, 40 Sup. Ct. 457.

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There were several rate cases. Oklahoma Operating Co. *v.* Love [1] and Oklahoma Gin Co. *v.* Oklahoma,[2] sustained injunctions against orders fixing the prices to be charged by a laundry and by a cotton gin. Not a word was said on the very important constitutional issue whether such enterprises may be subjected to price fixing, yet the statement of the case indicates that the court was as free to decide the case on that ground as on the one picked. The sin condemned was the failure of the state to provide any means for securing a judicial review of the rates fixed, except in a proceeding for contempt which required complainants first to violate the law and to run the risk of heavy penalties in case the rates were finally sustained and the violators found guilty of contempt. A similar complaint by a carrier in St. Louis, I. M. & S. Ry. Co. *v.* Williams [3] was dismissed because it appeared that the road might have brought a bill in equity against the commission and avoided the accrual of penalties while the question whether the rates were confiscatory was being determined. In Ohio Valley Water Co. *v.* Ben Avon Borough [4] the judicial relief offered by the state statute against alleged confiscatory rates was declared inadequate on the ground that the court was not permitted by the statute to take new evidence. Justices Holmes, Brandeis and Clarke dissented. They thought it sufficient that the company had the right to present all the evidence to the commission and that the court might send the case back to the commission to take more evidence. They relied also on the fact that the company might have brought a bill in equity to enjoin the rates and thereby obtain a full judicial review. The majority, however, seemed to think that every remedy provided must be adequate in and of itself, without regard to the excellence of the other remedies available.

Legislation against so-called ambulance chasers was sustained in McCloskey *v.* Tobin.[5] McCloskey thought it one of his in-

[1] 252 U. S. —, 40 Sup. Ct. 338.
[2] 252 U. S. —, 40 Sup. Ct. 341.
[3] 251 U. S. 63, 40 Sup. Ct. 71.
[4] 252 U. S. —, 40 Sup. Ct. 527.
[5] 252 U. S. 107, 40 Sup. Ct. 306.

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alienable constitutional rights to increase his law practice by soliciting employment to bring suits for damages. A Texas statute stood in his way. Mr. Justice Brandeis went back to Coke on Littleton to prove that "the evil against which the regulation is directed is one from which the English law has long sought to protect the community through proceedings for barratry and champerty." In Dunbar *v.* New York[1] a landlord who disrelished a provision in the city charter giving a lien on his premises for water rents unpaid by tenants was sent away comfortless. The importance of such cases as these lies largely in their unimportance. They show what trivial complaints may come to the Supreme Court at Washington from all over the country. Practically every interference with liberty or property may be questioned under the due-process or the equal-protection clause of the Fourteenth Amendment. Most complaints have in them a sufficient element of novelty to require the Supreme Court to take jurisdiction and write an opinion. In form the issue is a constitutional one. In essence it is one of ethics and public policy. Has the complainant had a square deal? Are the interests of the public sufficient to justify the sacrifice which has been required of the individual? It is one of the interesting legacies of the Civil War that these issues may not be determined finally against individuals by the courts of the several states.

When we turn to the complaints against state taxation considered during the past year, we meet decisions on questions of wide public interest. Shaffer *v.* Carter[2] and Travis *v.* Yale & Towne Mfg. Co.,[3] settle for the first time that a state may apply a general net income tax to the income of non-residents derived from sources within the state. Only Mr. Justice McReynolds had any doubt about it. He may have been impressed by the contention that an income tax is a personal tax and therefore may be imposed only on persons within the jurisdiction. Mr. Justice Pitney, for the majority, said that this

[1] 251 U. S. 516, 40 Sup. Ct. 250.

[2] 252 U. S. 37, 40 Sup. Ct. 221.

[3] 252 U. S. 60, 40 Sup. Ct. 228.

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argument resolves itself into a mere question of definitions, whereas the test to be applied is the one of practical operation and effect. That the state, he observed, "may tax the land but not the crop, the tree but not the fruit, the mine or well but not the product, the business but not the profit derived from it, is wholly inadmissible." But the state must not discriminate against citizens of other states in levying an income tax. The Yale & Towne case found New York guilty on this count, because it allowed to non-residents no personal or family exemption from the assessment of their New York income, while New-Yorkers enjoyed such exemption from the assessment of their total income. This was held to offend against the constitutional requirement that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." An interesting question left open by the decision is whether New York must give to non-residents as large an exemption on their New York income as it gives to New-Yorkers on their total income or need only accord such part thereof as the New York income of non-residents bears to their total income. In the Shaffer case an Illinois citizen complained that Oklahoma did not permit him to deduct losses incurred outside of Oklahoma, as it allowed Oklahoma citizens to do. But the court reminded him that Oklahoma citizens were taxed on their profits outside of Oklahoma, while he was not. So it would seem that a non-resident is put on a parity with residents if the exemption is varied according to the proportion of the total income taxed.

A device for applying this principle to the rate of taxation on inheritances was sustained by a five-to-four vote in Maxwell *v.* Bugbee.[1] New Jersey assesses its inheritance tax on the New Jersey assets of non-resident decedents by taking such proportion of the tax that would be due if their whole estate were in New Jersey as the New Jersey assets bear to the total assets. This is important on account of the progressive rates. The amount of assets outside of New Jersey in effect determines the rate to be applied to New Jersey assets. Mr. Justice Holmes, in dissenting, said that "when property outside the state is taken

[1] 250 U. S. 525, 40 Sup. Ct. 2.

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into account for the purpose of increasing the tax upon property within it, the property outside is taxed in effect, no matter what form of words may be used." He thought this made the New Jersey statute bad, quite irrespective of any discrimination against citizens of other states. The majority answered that the tax was not on property but on the privilege of succession; they found the mode of assessment justified by substantial differences between estates of residents and of non-residents in their relation to the taxing power of the state. The most important difference referred to was that the state takes toll of extra-state assets of residents but not of non-residents.

In two cases corporations complained of discrimination and invoked the guarantee of equal protection of the laws. This clause, as authoritatively interpreted, does not demand identity of treatment but permits different classes to be treated differently provided the classification is on a reasonable basis in reference to the matter in hand. In Fort Smith Lumber Co. *v.* Arkansas[1] five of the judges thought it proper to tax domestic corporations on the stock of other domestic corporations owned by them, though such stock owned by individuals was exempt. Mr. Justice Holmes said that the state might forbid one domestic corporation to own stock in another and that if it preferred merely to discourage the practice by taxation there was nothing to hinder. Corporations were also liable to a reassessment for back taxes, while individuals were not. This received the tolerant comment that in the absence of proof to the contrary it would be assumed that "there were reasons for more strenuous efforts to collect admitted dues from corporations than in other cases." Four judges dissented, without stating their reasons. These four found three more to join them in F. S. Royster Guano Co. *v.* Virginia,[2] which annulled the discrimination in a Virginia excise on domestic corporations. Those doing business in Virginia paid on all their income, including that from extra-state sources. Those not doing business in Virginia paid nothing. The exemption of their extra-state income was held

[1] 251 U. S. 532, 40 Sup. Ct. 304.

[2] 252 U. S. —, 40 Sup. Ct. 560.

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to entitle other domestic corporations to a similar exemption on theirs. The majority could find no justification for making the tax on extra-state income depend on the receipt of income from sources within the state. For the minority Mr. Justice Brandeis found justification for the discrimination in the interest of the state to make it attractive for incipient corporations to come there for charters even though all their business was to be done elsewhere. Such possible applicants for charters might be scared off if they had to pay a special tax measured by their total income. They were subject to other substantial fees which the state might lose if it asked for more. Corporations with business interests in the state would be less apt to run away. These considerations undoubtedly explain Virginia's discrimination, but it is less clear that they justify it.[1]

The established rule that intangibles may be taxed to their owner at his domicil without regard to the location of the tangible from which they exude found new applications in Maguire *v.* Trefry[2] and Cream of Wheat Co. *v.* Grand Forks County.[3] Mrs. Maguire lived in Massachusetts and received income from a trust estate administered in Pennsylvania, where all the investments were kept. This income was held taxable in Massachusetts. The subject matter of the tax was said to be "the property right belonging to the beneficiary, realized in the shape of income." The case went on a theory that would be equally applicable to an old-fashioned property tax on intangibles. The beneficiary was said to have "an equitable right, title and

[1] The decision of the majority was very likely influenced by a disrelish for what is in substance the taxation of extra-territorial values, even though nothing was said about this in the opinion. Hostility to such taxation is believed to be the controlling reason for the decision in Wallace *v.* Hines, *supra*, page 426, in which North Dakota's use of a mileage ratio to tax more than her fair share of a railroad's total property was held a regulation of interstate commerce and a taking of property without due process of law. Whether the due-process clause alone would accord similar protection to a foreign corporation not engaged in interstate commerce is somewhat doubtful owing to a decision to the contrary in 1892 (Horn Silver Mining Co. *v.* New York, 143 U. S. 305). Recent decisions in interstate-commerce cases indicate by their reference to due process that the court is prepared to overrule the Horn Silver Mining case if the opportunity offers.

[2] 252 U. S. —, 40 Sup. Ct. 417.

[3] 252 U. S. —, 40 Sup. Ct. 558.

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interest" distinct from the legal ownership of the property. Like the ordinary debt, such an interest is taxable to the owner at his domicil. In the Cream of Wheat case a North Dakota corporation complained of a North Dakota tax on the value of its total capital stock in excess of the value of its real and personal property and certain indebtedness. In sustaining the tax Mr. Justice Brandeis said that it was not necessary to inquire whether it was an excise or a property tax. In either case the assessment was based on the value of intangible property which is always taxable to the owner at his domicil. It did not matter that all the property and business of the company were outside North Dakota so that the intangible property might be also taxed where the property and business were. The Fourteenth Amendment does not forbid bi-state double taxation, as it does not forbid double taxation by the same state. In the Fort Smith case Mr. Justice Holmes has said that "the Fourteenth Amendment no more forbids double taxation than it does doubling the amount of the tax."

The economic program of the Non-Partisan League of North Dakota came before the Supreme Court in Green *v.* Frazier,[1] in which taxpayers sought to enjoin the raising of funds by taxation to inaugurate a state bank, a state mill and elevator association and a state home-building association. The constitutional issue was whether such business enterprises are "public purposes", since it is established that taxation for a private purpose is a taking of property without due process of law. In rendering the opinion for a unanimous court Mr. Justice Day pronounced a somewhat Scotch verdict. Up to the final paragraph he is stating the facts and announcing general principles and attitudes. He then concludes by saying:

> Under the peculiar conditions existing in North Dakota, which are emphasized in the opinion of its highest court, if the state sees fit to enter upon such enterprises as are here involved, with the sanction of its Constitution, its Legislature and its people, we are not prepared to say that it is within the authority of this court, in enforcing the observance of the Fourteenth Amendment, to set aside such action by judicial decision.

[1] 252 U. S. —, 40 Sup. Ct. 499.

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So it is settled that, if the conditions are sufficiently peculiar, a state may build, buy and sell dwellings, may run warehouses, elevators, flour mills and factories for "manufacturing farm products" and may own and operate a bank. What makes the conditions peculiar and how peculiar they must be are not disclosed.

The amorphous character of the due process guaranteed to individuals by the Fifth and Fourteenth Amendments finds ample recognition in Mr. Justice Day's opinion. "Courts, as a rule", he tells us, "have attempted no judicial definition of a 'public' as distinguished from a 'private' purpose, but have left each case to be determined by its own peculiar circumstances." This of course is a figure of speech. "Circumstances" are not the official interpreters of the Constitution. Mr. Justice Day's language is more apt when he says earlier: "What is meant by due process of law this court has had frequent occasion to consider, and has always declined to give a precise meaning, preferring to leave its scope to judicial decision when cases from time to time arise." Due process, then, is what the Supreme Court says it is. Most of the rest of the Constitution is not far different. What Marshall said of its minor ingredients applies in many instances to major ingredients as well. The decisions and opinions here reviewed show that in deducing these ingredients the Supreme Court seldom finds its judgment greatly restricted by the language of the instrument which is our formal fundamental law.

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THE GERMAN WAR LORDS ON THEIR DEFENCE[1]

THE defeat of the German armies in the field made explanations inevitable. For four years they had successfully resisted a a world of enemies over whom, in mid-summer of 1918, victory seemed not impossible. The German people were in sight of their goal, the reward promised if they "held out". Suddenly all changed. The impossible happened. German armies, long proclaimed invincible, were stopped, driven back to positions supposedly impregnable, then compelled to abandon those positions and finally forced into a disordered retreat. Only by a humiliating armistice did they escape complete destruction. Coupled with the despair of the Germans was a suspicion, perhaps the belief, that a trusting people had been fooled, not to say betrayed, by its political and military leaders. These men must justify themselves, as well in their own interests as in the hope, faint enough to be sure, of portraying a penitent Germany which might ask for lenient terms of peace. Hence a flood of narratives, of which the end is not yet in sight, by the principal actors in the great struggle. If of varying degrees of sincerity, their interest is undeniable, and future historians, confronted with official histories and denied access to confidential documents, will be glad to have this first-hand evidence. Not many of these *apologiae* have as yet been done into English. But the books of Grand Admiral von Tirpitz and Generals Ludendorff and von Falkenhayn afford a clear revelation of the German military mind and also a fairly complete picture of the war, in its larger aspects, as viewed by men who were successively dismissed by the "All-Highest".

The first two agree in condemning the vacillating policies and the alleged supineness of the civil authorities; their argument is accordingly controversial to the last degree and is presented with considerable bitterness. The object of each writer is to show that if he had been allowed to manage the war as a strictly military operation, all would have been well, but that the blindness and self-seeking of the

[1] My Memoirs. By Grand Admiral von Tirpitz. New York, Dodd, Mead and Company, 1919.—Two volumes: x, 377; 428 pp.

Ludendorff's Own Story. By Erich von Ludendorff. New York, Harper and Brothers, 1919.—Two volumes: 477; 473 pp.

The German General Staff and its Decisions, 1914–1916. By General von Falkenhayn. New York, Dodd, Mead and Company, 1920.—333 pp.

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politicians could not be overcome. Of these two books Tirpitz's is decidedly the more entertaining, for he offers a version of events which will cause some revision of accepted theories. Ludendorff, on the other hand, in spite of his meticulous detail, generally confirms the impressions already formed of his policy. The Admiral was a man of the world; he had sat long in the seats of the mighty, had traveled extensively and, what is rare indeed, had fathomed the reasons why Germans were unpopular and their policy suspect. Hence he writes with a perspective which Ludendorff, whose life was consumed in military routine, cannot appreciate. It is the contrast between a genial sea-dog, who can tell a good story, and a military martinet, who is tremendously serious, intense, unrelaxing. Ludendorff's nine hundred pages subject the reader to a severe strain, whereas Tirpitz provides both amusement and profit.

Falkenhayn writes with restraint, "neither for nor against anybody", modestly uses the third person and limits himself to "those operative ideas" by which the General Staff was guided. Since he eschews politics, except to hint that he had powerful enemies, his book will appeal chiefly to military men, as the authoritative exposition of German strategy; unfortunately, there is no index, and the small scale of many of the maps renders them useless. In the English translation, his book reads better than those of Tirpitz and Ludendorff; the argument is better coordinated, is always to the point and is briefly and clearly presented.

In his first volume Tirpitz discusses the *Vorgeschichte* of the war. As Secretary of the Navy from 1898 to 1916, he belonged to the inner circle and could doubtless tell more than he does. His account of the rise of the German fleet is an important contribution to recent history; but when he ventures upon the sea of international politics, although he says much that is pertinent, he is ultimately lost in a storm of inconsistencies. Apparently the Admiral is the personal embodiment of that odd mixture of the medieval and the ultra-modern that characterized the late German Empire. He confesses that "the German still had something of the upstart about him" (I, 105), he understands that "big words only did us harm" (I, 238), he protests against the policy of bluster. He tried to prevent "exaggeration and incorrect comparisons with England, provocative statements and tactlessness in the press, parliament, and the public generally" (I, 147). Yet he remains the true Prussian. He "cannot understand why the spirit of Treitschke has disappeared from the teaching of German history" (I, 144), and he believes that peace would have been kept if

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only "we had made thorough-going preparations for war" (I, 347). He talks of "Germany's exposure to danger" (I, 247) and complains bitterly of "people who preferred that German overseas trade should wither in peace" (I, 300). The process of German reasoning is still unintelligible.

Tirpitz naturally claims full credit for the German fleet. He found William II a difficult master. The Emperor broke up the naval command into three sections "in order to be able the better to intervene himself" (I, 58), and the Admiral frequently suffered from this intervention, usually in the way of impracticable suggestions or of speeches which set Europe by the ears. But he persevered and in July, 1914, surveyed his life's work "with satisfaction" (I, 314). In view of British admissions he may fairly claim that "we succeeded in course of time in beating the English in the quality of our naval shipbuilding," and that this superiority was "an important counter-poise to our inferiority in numbers" (I, 169).

What was the purpose of this darling creation? A German fleet was "the only tangible way of attaining that independence with regard to England which was unanimously and justly demanded in Germany" (I, 121). Tirpitz will not admit that such a policy destroyed the prospect of "a proper friendly relationship with England" (I, 254). Rather it was precisely the growth of this fleet that "continually widened the gulf between England's inclination to make war and her resolve to make war" (I, 261); and he boasts that "Germany and England had come closer together in 1914 than during the period when Germany was without a fleet—in 1896, or when her fleet was weak—in 1904" (I, 256). Of course this is not the whole story. The *rapprochement* was due, in part at least, to the cooperation of London and Berlin in the Balkan crisis of 1912–1913 and to the policy of give-and-take adopted by Germany when she perceived that Britain was not to be bulldozed. Also, to prove his point, Tirpitz has to explain Britain's attitude by her commercial jealousy, an opinion which, in the writer's judgment, is untenable.

After a discussion of the Anglo-German naval rivalry before the war, which would go to show that he was not an unreasoning advocate of unlimited armaments, the Admiral comes to the outbreak of the war. Here he gets beyond his depth. His case for the German fleet requires the admission that in 1914 "the moment for striking us down was felt in wide circles in England to be past" (I, 310), that "the policy of encirclement, which was to drive the noble quarry, Germany, to its death, was on the point of being broken by the growth of our

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power" (I, 314). Then France and Russia must be responsible. But, he remembers, "we declared war first", out of "formal legal conscientiousness" (I, 365). Nevertheless, "we are not to blame for the war" (I, 375). The explanation is easy. Bethmann-Hollweg, Jagow and Berchtold wanted to humiliate Serbia and bolster up the Dual Monarchy without letting loose a general war. Russia and France would not have moved without assurances from England, where "strong tendencies for attacking us were still in full swing" (I, 333). So the British cabinet "put the match to the fuse by means of secret encouragement of the French and consequently of the Russians" (I, 337). At least it must bear a "share of the responsibility . . . by its vagueness as to England's attitude" (I, 331). Still, "why did Bethmann pay no attention . . . to all the warnings that reached him from England and about England?" (I, 340) We give it up. Ultimately Tirpitz adopts the reasoning of the Bethmann government he has so bitterly attacked. "The blood-guilt of those responsible for the Russian mobilization is not lessened by any bungling on the part of government" (I, 362), as if the mobilization were an adequate *casus belli*. His final "valid proof that our government did not want war" is that "it was convinced from the very beginning that we should not win" (I, 358). Yet he was "troubled" because the General Staff "was heedlessly going on with the war against France, because this apparently meant only a short war" (I, 368).

The war opened with the march through Belgium. The plan of campaign was conceived by Count von Schlieffen, who rejected an offensive against Russia, with simultaneous defensive operations in the west, as implying "a long war" (Ludendorff, I, 29). Tirpitz advocated the seizure of the Channel ports, which would compel the use of Cherbourg and Brest as bases for British troops, but Moltke promised to "arrest" them. Of the rush to the Marne, we learn nothing from our authors, for Ludendorff, who gives a graphic picture of the capture of Liège, got only as far as Namur, when he was sent to East Prussia; and it was not till September 14 that Falkenhayn, the Prussian Minister of War, was appointed Chief of the General Staff in place of the invalided Moltke.

The narrative of the new Chief throws little light on the man himself, so impersonal is the style. It may be stated, however, that he possessed a commanding personality, was highly regarded professionally and was enough of a courtier to retain for nearly two years the favor of the impulsive Emperor. During this period he kept a tight hold on his subordinates, including Hindenburg and Ludendorff. In

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spite of much tension with Conrad von Hötzendorff, the Austrian Chief of Staff, he managed to secure a fair measure of control over the Austrian army, and just before his resignation he arranged for Germany's supreme command in the Quadruple Alliance.

Falkenhayn starts by admitting that "the general situation of the Central Powers had become extremely difficult by the middle of September, 1914" (10). "The decision on the Marne had not secured the desired result" (16), while in the East the dangers from the Russians "could not be underestimated" (20).[1] Further successes by them would probably lead to internal convulsions in the Dual Monarchy and would destroy all hope of the "indispensable" Turkish alliance. While refusing "to despair of a satisfactory conclusion of the war", he perceived that "the intention of forcing a speedy decision . . . had come to naught" (25). If the political leaders could open up any practicable avenue for an understanding with the enemy, well and good; otherwise Germany must fight for her existence with every means at her disposal.

The course of the war was profoundly affected by Falkenhayn's conviction that "every attempt to deal with the East before the Western front was consolidated must lead to an intolerable situation in the West" (16). He did not consider it possible to annihilate the Russian armies, which could and did give ground regardless of the sacrifices of territory and population (151). He intended to exhaust Russia's power of resistance by constant pressure, chiefly with *Landwehr* and *Landsturm* formations, and to hasten the process by the closing of the Dardanelles. But a decisive German victory must be won in the West, and a table of "relative strengths", given in an appendix, shows that Falkenhayn kept the bulk of his forces in France.

This attitude was the more difficult to maintain because the popular idol, Hindenburg, was an "Easterner", and his chief of staff, Ludendorff, though a "Westerner" as regards the winning of the war, thought that Russia might be eliminated before the Allies became dangerous. Falkenhayn's answer to this reasoning is the principal theme of his book, and he argues his case very skillfully. The controversy began in the autumn of 1914. Falkenhayn was content to stave off an Austrian collapse. Hindenburg and Ludendorff (Falkenhayn dealt with

[1] Falkenhayn, Ludendorff and Tirpitz agree that the root of the evil was the absence in the opening days of the war of three army corps which the General Staff had vainly asked for in 1911–1912. Had it not been necessary to detach three corps from the right wing of the Western armies for service in the East, the advance through Belgium would, they think, have been successful.

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the former only, as Commander-in-Chief in the East, but Ludendorff was the real leader) wished to exploit their victories at Tannenberg and the Mazurian Lakes. They had no confidence in the Austrian military machine; indeed Ludendorff repeatedly expresses his contempt for it. But with German troops under German command, the two generals were hopeful of great results.

Tannenberg requires passing notice. Ludendorff, whose intellectual arrogance is often colossal, calls it "one of the most brilliant battles in the history of the world" (I, 68); undoubtedly it was a remarkable incident. Two Russian armies, of crack troops, were advancing under Rennenkampf and Samsonow into East Prussia from the east and south. The Schlieffen strategy called for a retirement behind the Vistula, which "would have spelled ruin" (I, 54). Ludendorff, instead, withdrew all his forces confronting Rennenkampf, except two cavalry brigades, and trusting that the Russian general would move slowly, struck at and utterly routed the Samsonow army. There was no trap, and the story that thousands of Russians were driven into the marshes is set down as a "myth" (I, 68). In subsequent operations the front was gradually stabilized along the Russo-German frontier. But Hindenburg and Ludendorff appear to have been hypnotized by their great victory; they may also have been influenced by their failure to drive the Russians from Poland.

At any rate, from October, 1914, the Eastern command was continually asking for reinforcements, which Falkenhayn doled out very sparingly. In the end he was compelled to recognize the danger. The advance of the Russians in the Carpathians created a situation where "decisive action could no longer be delayed" (86). But whereas the Eastern commanders wanted a thrust from East Prussia in the direction of Kovno, Falkenhayn insisted on a break-through in the Russian center. Ludendorff's description of these operations is far from enthusiastic, and his comment that "the withdrawal of the Russian front in Galicia . . . did not result in any decisive military victory" (I, 173), is borne out by Falkenhayn's admission that "we had not reached the goals we had set before us" (220). So the controversy raged throughout the summer of 1915. The General Staff had its way. Not until the Russians were out of Poland was Hindenburg allowed to make his drive on Kovno. Ludendorff thinks that even then it would have been effective "if it had been carried out in full strength" (I, 187). Falkenhayn, however, began to remove divisions for the Serbian campaign, which drew from Hindenburg a protest against "such an interference with his rights" (157). The

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Emperor sustained the General Staff, but the consequences were momentous: Russia had been defeated, but she was not yet *hors de combat*.

Falkenhayn attached the greatest importance to the Balkan front, concerning which he says much that is illuminating. With regard to Italy he is scornful enough. But he did not cherish the illusions of the Austrian General Staff that a successful operation against the Italians "would bring a definite decision in the war". Italy could not "make peace against the wishes of the Entente, on whom she was dependent absolutely for money, food, and coal" (227). But he vainly protested against the Austrian attack in the Trentino in May, 1916.

At the end of 1915 Falkenhayn determined to try for a decision in the West. He reproduces an elaborate memorandum on the situation, the gist of which is that although Great Britain is the most dangerous and unrelenting enemy, "France has been weakened almost to the limits of endurance" (239). If her armies can be put out of the war, "England is left to face us alone, and it is difficult to believe that in such circumstances her lust for our destruction would not fail her" (245). Verdun was selected for the attack because a successful French thrust from that fortress would "make the whole German front in France and Belgium untenable" (250). The account of the resulting operations is the most unsatisfactory feature of Falkenhayn's book. The nearest he comes to an admission of defeat is a statement that "the defensive had been resumed" (299) as a consequence of the Somme battle. Ludendorff says, more frankly, that "at the beginning of March the world was still under the impression that the Germans had won a victory at Verdun" (I, 244).

The battle of the Somme Falkenhayn regards as a German victory, and he tries to prove that the general situation in August, 1916, while "serious", was not "desperate" (324–5). But when Rumania intervened, the Emperor called in Hindenburg and Ludendorff for consultation. Falkenhayn replied that "he could only regard this summoning of a subordinate commander . . . as a breach of his authority that he could not accept" (324) and resigned. He charges that the Imperial Chancellor eagerly supported Hindenburg (309), doubtless because the latter's policy of creating a string of buffer states in Russia appealed to Bethmann-Hollweg for political reasons. Ludendorff, in contrast with Falkenhayn, paints a gloomy picture of the situation, but subsequent events, as recorded by Ludendorff himself, bear out Falkenhayn's estimate. Nowhere did the German front break, and the

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Dobrudja campaign against Rumania had been worked out by Falkenhayn himself.[1]

During the first two years of the war Tirpitz was very much in the public eye. His influence on German policy, however, was small. Although he remained head of the Admiralty, the principal decisions affecting naval policy were taken without or in spite of his advice. He seems to have been kept as a potential scape-goat, and his very natural resentment manifested itself in intrigues, which may be studied in the "war letters" printed in his second volume, the purpose of which is suggested by the admission that he was willing to be chancellor.

This volume is one long tirade against Bethmann. The Chancellor regarded the war with England as a "thunderstorm" (II, 7) which would pass quickly, and kept hoping for an understanding, to be effected, so Tirpitz charges, by the surrender of the German fleet. The Admiral contended that either England should be treated as invincible and defeat accepted, "or else that we must use every political and military means to shake her position" (II, 22). The political course advocated by him was peace with Russia, which was indeed attempted. Falkenhayn proposed it in July, 1915, "emphasizing that from the military point of view the advantages of a peace in the East were so great that the renunciation of territorial gains could not be counted against it" (174).[2] In the autumn of 1916 Tirpitz himself "had conversations with certain pro-German Russians, which . . . gave ground for the belief that a separate peace was then a possibility" (II, 33). An autograph letter from the Emperor to the Tsar, "so worded as to restore the latter's self-confidence" (II, 35), would have done the trick, but Bethmann clung to his pro-English policy and insisted on a free Poland.

On the military side Tirpitz urged an active use of the High Sea Fleet. To his amazement the plans of the naval staff, which were concealed from him before the war, called for only a "guerilla warfare against the English until we had achieved such a weakening of their fleet that we could safely send out our own" (II, 88). He protested repeatedly against such inaction. He repudiates indignantly the

[1] Ludendorff claims the credit for this (I, 215), saying that he vetoed an Austrian scheme for crossing the Danube. Falkenhayn had already vetoed it (319), but the Austrians, apparently, tried to take advantage of the change at German headquarters to get their way.

[2] "Renunciation" was rather euphemistic, for it involved, according to Tirpitz's private correspondence, the annexation of Courland and "a Poland free from Russia" (II, 379, 381).

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notion that "the fleet could not go out to battle because of its inefficiency and bad material" (II, 31), for which he was held responsible; on the contrary, it was "certain, at the least, to do substantial injury to the Grand Fleet" (II, 29). Lord Jellicoe's testimony gives point to the German's lament. But the Emperor, surrounded by chiefs of the naval staff and the naval cabinet who were hostile to Tirpitz, was most unwilling to have ships lost and gave orders that "fleet sallies and any greater undertakings must be approved by his Majesty in advance" (II, 93). Well may Tirpitz write:

> The men who, in order not to irritate the British lion, recommended to his Majesty the shackling of the fleet, a policy contradictory to the whole spirit of the war, must have wholly failed to understand that this point of view involved the destruction of the Emperor's great work. How could a nation build a fleet and not send it to battle in its fight for existence [II, 114]?

That the British Grand Fleet avoided action with the Germans, as Tirpitz affirms, is ridiculous in view of the circumstances under which the Battle of Jutland began. It is equally absurd to state that "the entire complement of men employed for sea-warfare on the British side must have been from 1,500,000 to 2,000,000" (II, 78). At Jutland, the German battle cruisers were headed for the English coast when they encountered Beatty's squadron; when night broke off the action, "Admiral Scheer and our whole fleet regarded a renewal of the fight on the following morning as a certainty". To make sure of a mine-free fairway, they retired to Horn Reef, but "when the day broke, the sea lay empty as far as man could see" (II, 131). Tirpitz's final comment is:

> After this battle, in which conditions had not favored us and only the armored cruisers and the leading ships of one squadron had been able to take any real part, [the men] thought of the success which we might have expected if at the beginning of the war we had sought for a favorable opportunity and had sent the whole fleet to battle [II, 132–3].

But "it was historically too late for repentance" (II, 117).

Undoubtedly Americans will be most interested in Tirpitz's account of the submarine campaign. The idea of a blockade of the British coast was first mooted in November, 1914. Tirpitz opposed it "until such time when we had available a number of submarines more or less sufficient to maintain it" (II, 139). It looked too much like bluff. He preferred a blockade of the Thames, which "would have been

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more in accord with the means available, and would have accustomed the world gradually to the new idea of blockade" (II, 140). As usual, the Admiral was overruled. Falkenhayn welcomed the larger plan for general military reasons, adding that the navy "had not fulfilled the hopes entertained for this arm in the event of war" (78); as for America, "if matters came to a breach, it was not to be assumed that she would make her influence felt in the war before the submarine campaign had taken effect" (79).

Henceforth Tirpitz urged the naval authorities to draw the logical conclusions from their "premature and unhappy" decision, that is, to prosecute the campaign without restraint. According to him, "its own parents hurried panic-stricken to throttle it" (II, 148). Rather than offend America, secret orders were issued not to sink neutrals, yet the war-zone declaration, of "doubtful legality" (II, 144), was left standing. If "a polite and definite refusal" had been made to the first American note, "there would not have been, either then or later, a declaration of war or even a rupture of relations" (II, 152). To the English charge that the campaign was immoral, Tirpitz, alluding to the blockade, replies that "the world said never a word of protest when England did much worse things" (II, 202). None of our authors can appreciate the indignation of the world when non-combatants, women and children were done to death by their underseaboats.

Tirpitz, who omits from his correspondence any letters written between May 13 and July 13, 1915, describes the *Lusitania* as "an armed cruiser heavily laden with munitions" (II, 155). Falkenhayn speaks of it as "an American steamship" and considers the first American note "a veiled declaration of war" (177). The result was an order of June 5 that passenger vessels, even English liners, should not be sunk, although this was not communicated to Washington until after the sinking of the *Arabic*—"without getting a single bale of cotton", groans Tirpitz (II, 161). Falkenhayn remarks that "if America had joined the Entente at this time, it would have cost us at once the help of Bulgaria" (178).

By the end of 1915 this objection was removed, and Falkenhayn agreed with the navy that the submarines should renew their work on March 1, 1916. They were expected to "paralyze" England by October. Then the Chancellor intervened, demanding a postponement till April, "so that he might have time to make another attempt to come to an agreement with the United States" (Falkenhayn, 250). Tirpitz thereupon resigned, rather than submit to any further "humiliations" (II, 177).

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His passing was hailed with satisfaction in Allied countries—and rightly so. We now know how narrow was the margin of safety in the spring and summer of 1917, when the unrestricted submarine warfare had been in progress only a few months. Had this supreme frightfulness begun a year earlier, when counter-measures against it were not yet perfected, when America was still neutral, the result might have been disastrous. No doubt President Wilson would have broken with Germany had she not given adequate pledges after the *Sussex* incident ("the beginning of our capitulation", says Tirpitz, II, 180); no doubt war would have come in the end. But Tirpitz is probably justified in asserting that "what the campaign, if begun in 1916, could have achieved was to prevent an absolute defeat of Germany" (II, 200). Very apt indeed is his description of Bethmann's policy as "order—counter-order—disorder" (II, 170).

According to his lights, Tirpitz was badly treated. He devoted fifty years of his life to the building of a fleet. Yet in the hour of destiny he was not allowed to use it. The directors of German policy gave their armies a free hand which they refused to the navy; in the last analysis they were false to their own tradition, for they allowed a mighty instrument of war to disintegrate and die of inanition. Tirpitz has written its epitaph: "The German people did not understand the sea" (II, 207).

On August 29, 1916, Hindenburg was appointed Chief of the General Staff, with Ludendorff as First Quartermaster General. Ludendorff thus became the head of the German military machine, for the "joint responsibility in all decisions and measures" (I, 284) meant in practice that Hindenburg "always agreed with my views and approved my draft orders" (I, 14). This is not to imply that Ludendorff was not intensely loyal to his chief, for he always refers to "the Field-Marshal" with the greatest respect; but he was unquestionably the directing spirit.

He was not of the elect, being the son of a Posen merchant, and it is significant that he was never awarded the coveted *von*.[1] But if he displays nothing of junker class pride, he had fully absorbed its political prejudices. He may write that "our army and navy are rooted in the nation as is the oak in German soil" (I, 3), but it is soon evident that the people are the mere hewers of wood and drawers of water for the General Staff; if the army failed to win victory, the fault lies in the civil government, which did not keep the masses at their tasks and

[1] The *von* of the title-page is an error.

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give them "a strong war-like impetus" (I, 6). For pages at a time he rails at the government for not counteracting the effect of Allied propaganda upon the German people, failing utterly to see that its effectiveness was measured by its truthfulness. No more can he comprehend the antipathy to "Prussian militarism, the spirit of selfless loyalty, the surrender of the individual to the conception of the State" (I, 429); in the same spirit he deals with the "senseless" (II, 286) campaign against the corps of officers, who were the "pillars of law and order in the State". The army, in short, was the victim of *sabotage*, the supreme offence being, perhaps, that "suspicion of the reports from General Headquarters went at times so far as to cause them to be compared with enemy reports" (II, 363).

Ludendorff's book leaves the impression of having been dictated at top speed in a mood of sustained anger mingled with pessimism and disgust. The style is devoid of all grace; personal emotions, with several notable exceptions, are seldom recorded, and the whole narrative is pitched in a high key which gets on one's nerves. Nevertheless it is indispensable to students of the war. With the aid of fifty-six maps, military operations are easily followed, although—and this is true also of Falkenhayn's book—the number of men involved is not generally given; there is an extensive index. For the period after August, 1916, much attention is given to politics and economic problems; for in spite of the claim that "of political parties and personages I took no account" (I, 9), Ludendorff was in constant negotiation with all departments of the government, and he had to familiarize himself with "great world questions that raised all sorts of problems" (I, 326).

At the moment when Ludendorff assumed control, Germany was gathering the fruits of the rival strategies of Hindenburg and Falkenhayn. The lines in the West crumbling under the drum-fire of the French and British artillery fed with American shells; the Galician front tottering before the Russian advance; the Italians, flushed with the capture of Gorizia, marching up the Carso; the submarines withdrawn at the behest of America; the entry of Rumania, indicating her belief in German disaster—is it any wonder that the new chieftain should exclaim, "Never has Fate before so suddenly placed so heavy a burden on human shoulders" (I, 284)? The emergency produced a man of untiring energy and unbending will, whose sponge-like capacity for detail was matched by military ability of a high order, who assumed, as far as he could, dictatorial powers.

The military situation was relieved by the defeat of Rumania, although "in spite of our victory over the Rumanian army, we were

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definitely weaker as regards the conduct of the war as a whole" (I, 358). A tremendous economic effort, known as the "Hindenburg programme", was set in motion. But Ludendorff's chief interest in the autumn of 1916 seems to have been in the opening of peace negotiations. "Germany and her allies had nothing to throw into the scale" against the limitless resources of the Allies (I, 362). He was "secretly very pleased" with the Chancellor's proposal that Mr. Wilson should be "induced" to intervene "at the earliest possible moment", and he awaited the results "with the greatest eagerness" (I, 366). He does not say, perhaps he does not know, that the President postponed any action because of the Belgian deportations, ordered by Ludendorff himself. He was also disgusted with the Allied reception of the German note of December 12, 1916:

> The answer of the Entente was such as to leave no doubt of its intention to annihilate us. . . . If it had honestly desired a peace of justice and reconciliation it could and should have entered into negotiations and brought forward its demands. Had negotiations broken down on any demand for annexation on the part of the German representatives, it would have been easy for the Entente, in the light of such an attitude, to stir its peoples to renew the war, while we in such a position would have been quite unable to reconcile the German people, who were already longing for peace, to any further fighting. Still less would our weary allies have continued to fight by our side [I, 367–8].

Hence, "by the will of the Entente the war had to continue, and to be decided by force of arms" (I, 369).

Ludendorff continually assails the German politicians for thinking that a "peace of understanding" was obtainable. Would he ever have offered acceptable terms to the Allies? He quotes as "the only German conditions which ever reached the enemy from our side with any co-operation on my part" (I, 378–9) the despatch to Count Bernstorff of January 29, 1917. This document calls for strategic and economic rectifications of frontier east and west, the restoration of German colonies, some kind of an indemnity, the renunciation of all agreements in restraint of trade and the freedom of the seas.[1] Later Ludendorf advocated "the economic attachment of Belgium to the German Empire" (II, 133), "a closer relationship" for Luxemburg

[1] Count Bernstorff, in My Three Years in America, published since this article was written, implies that this statement of terms was intended to throw dust in the eyes of President Wilson. If so, Ludendorff's real terms must have been even more severe, and the insincerity of his animadversions on the Treaty of Versailles is patent.

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(II, 139) and "a protective belt" for the iron mines of Lorraine (II, 137). In the East, Courland, Lithuania and Poland were to come within the German orbit; he "contemplated commercial advantages in Rumania and the Balkans" (II, 140), and he believed thoroughly in the Turkish alliance. The Reichstag peace resolution of July, 1917, was a "confession of weakness", "a melancholy picture" if "only by this means the masses could be rendered capable of holding out" (II, 65–6). As to giving up Alsace-Lorraine, "there could be no question as long as we were not beaten" (II, 47). That no accommodation was possible on these terms need not be argued.

To win the war, Ludendorff's opinion had always been that "we should be strong enough for a decision in the West only when the Russians had been defeated" (I, 245). Hence the March Revolution, though "a surprise" (II, 14), was most welcome, and propaganda was immediately begun to effect the collapse of the Russian army. Too late Ludendorff saw that "the disintegration of the Russian army and nation involved an extraordinary risk for Germany and Austria-Hungary" (II, 126). His political sagacity can be accurately gauged by the remark that "we could protect ourselves against Bolshevism only by placing a close cordon beyond our frontiers" (II, 184); hence the Treaties of Brest-Litovsk, which, he insists, were not a "peace of violence". Nevertheless, he assures us that Bolshevist propaganda played no mean part in the collapse of the Central Powers.

Throughout 1917 Ludendorff followed a cautious military policy. He declined to withdraw troops from Russia and stood on the defensive in the West, expecting the unrestricted submarine campaign to "produce decisive results" (II, 3). The retreat to the Hindenburg line was a master-stroke, as is now recognized; "the fact that much property belonging to the inhabitants was destroyed was", he says, "to be deplored, but it could not be helped" (II, 6). The substitution of elastic lines of defence—"pill-boxes"—for the old trenches enabled him to retard the British attack on the Flanders ridges till it was overwhelmed in mud. Despite his "tremendous anxiety" (II, 89), only Cambrai brought any serious misgivings; if the British had exploited their "great initial success", "we should not have been able to limit the extent of the gap" (II, 110). Yet the real significance of this battle seems to have escaped him. Though the tanks were "very effective" (II, 203), he did not regard them as "particularly dangerous"; they were "effective only in masses", nor could Germany "put masses of tanks in action in 1918". Thanks to this error, the Allies were able to win the war in 1918.

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In preparing for the offensive of 1918, Ludendorff was in his element; he "gradually got up everything that could be thought of as required for the attack" (II, 212), which was "the biggest task in history" (II, 218). He does not say much about the new tactics which nearly brought victory. Yet on two points he miscalculated badly, fatally. One was the morale of the Allied armies. He takes it as almost a personal offence that "after a second great defeat [the loss of the Chemin des Dames] the Entente was not yet ready for peace" (II, 270). He quotes with envy the words of Clemenceau: "We shall achieve victory if the public authorities are equal to their task" (II, 281), in contrast with Germany, where "the political leaders lacked the strength to govern with firmness" (II, 60).

Though unimportant *per se*, it is symptomatic of Ludendorff's attitude toward America that he should give April 5 as the date of our declaration of war and make that declaration include "all the states of the Quadruple Alliance, with the exception of Bulgaria" (II, 15). His information concerning our military effort was no more accurate, for in June, 1918, he estimated that "there might be twenty American divisions in all in France, more than I believed possible" (II, 276). America, in short, did not play the game:

> The men carried only their personal equipment. What they needed in France they were given by England and France, also by the neutral countries, especially Spain. The whole operation was a *tour de force*, uncommonly effective for a short time, but impossible to maintain for a long period. Had the war lasted longer a reaction must have followed [II, 236].

Perhaps; but he concedes that "America became the deciding factor" (II, 276).

Ludendorff's account of "The Offensive in the West, 1918" just misses being satisfactory, for he is a little too much concerned in showing why it did not succeed. Several times he speaks of troops being demoralized by finding or hunting for food, while on the Lys sector "certain divisions . . . failed to show any inclination to attack" (II, 245). Still he did not lose hope, for he undertook the attack on Rheims "with the firm conviction that it would succeed" (II, 279). But it had been "discussed in the most irresponsible way throughout Germany" (II, 309), and a pioneer officer, who swam across the Marne and was captured, "gave away much information to the enemy" (II, 308). Farther west there was a similar turn of fortune. Warned by a deserter that "a big tank offensive from the forest of Villers-

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Cotterets was imminent", Ludendorff placed south-west of Soissons "a division that had fought with special success in the East and which had always met the demands made upon it in the West" (II, 307). Yet on July 18 it gave way, apparently because "the rapid movement of the numerous fast tanks in the high corn increased the effect of the surprise" (II, 316). It is interesting to read that "the six American divisions that had taken part in the battle had suffered most severely without achieving any successes" (II, 322). But the "general situation had become very serious" (II, 323), and Ludendorff was "obliged to bury many hopes" (II, 325).

After August 8, when the British broke through east of Amiens, "the black day of the German army" (II, 326), the narrative becomes less direct. Ludendorff offered to resign, even the Emperor "knew that the war could no longer be won" (II, 333); it was decided to open peace negotiations, if possible, through Holland. The continuous defeats are accounted for by the collapse of morale and the lack of reserves, for which the government is held responsible. The tanks are terrible: "between Ham and Noyon a canal, which offered a good obstacle to tanks, determined the position of the line" (II, 345). "A division or two" from the despised Austrians are greedily accepted (II, 351).

All to no avail. By the end of September, "the enemy had to be asked for peace and armistice. The military position, which could only get worse, demanded this" (II, 374). Ludendorff denies having said that "the front would break if we did not have an armistice within twenty-four hours" (II, 384). His principal motive was "to avoid further loss of life", but he admits that "the earlier we began the more favorable would our position be at the commencement of the negotiations" (II, 383). In other words, Ludendorff had no thought of surrender but proposed to "pave the way to the achievement of an honorable peace" (II, 386). He insists that "the majority of the German people were ready and willing to sacrifice the last of their strength for the army" (II, 414).

The final surrender was brought about by the cowardly and incompetent parliamentary government of Prince Max, although Ludendorff did his best to prevent it. When the Allied advance slowed up in the first week of October, he declared to the government:

> There are in war many probabilities and improbabilities. What will actually happen no man knows. . . . Part of war is luck, and luck may come Germany's way again. . . . I regard a break-through as possible, but not probable. If you ask me on my conscience, I can only answer that I do not expect it [II, 408, 413].

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When the government refused to make this final gamble, Hindenburg and Ludendorff drafted an order calling upon the army for "resistance with all its strength" (II, 423), only to be disavowed by both Emperor and government. Ludendorff then resigned; his final interview with the Emperor contained "some of the bitterest moments" of his life. He left the presence predicting that "in a fortnight there would no longer be an Emperor in Germany" (II, 426).

From this wealth of material certain conclusions stand out which, for lack of space, must be briefly recorded. In the first place, the war-time picture of an omniscient and omnipotent Great General Staff can be toned down heavily. There was never anything like harmony between the civil and the military authorities, and the former usually prevailed when the Emperor was called in to mediate, a procedure not to the liking of the military, in whom he inspired little confidence. Also the military leaders were lacking in some quality not easy to define. Perhaps they suffered from optimism. Falkenhayn, in fourteen different passages, expresses the "hope" that a plan will succeed, and Ludendorff is not free from the same tendency.

Secondly, the allies of Germany—"curious allies" Tirpitz calls them (II, 319)—were, from the military point of view, an element of weakness. Essential for the achievement of Germany's political aims, they used up men, money and material which were indispensable for victory in France. All three of our authors recognize, freely and repeatedly, that the unsound political system of the Dual Monarchy was the cause of its military deficiencies, and they are under no illusions as to the essential selfishness of Bulgaria. It is to Germany's credit that she never sought her own salvation by leaving her dependents in the lurch.

Lastly, although there is no admission that Germany was beaten in the field, fairly and squarely, and the blame for the catastrophe is laid on the politicians, not one of the three apologists will admit that the fallen Empire was built on a false foundation. Falkenhayn speaks of "the accursed revolution" (45). Tirpitz leaves the stage bellowing hatred of England, but he is persuaded that "the old structure of our state was not rotten, but capable of any development" (I, v). Ludendorff, dedicating his book to "the heroes who fell believing in Germany's greatness", is filled with shame and disgust (II, 433). This frame of mind is perhaps natural in defeated and discredited military leaders, but there is no evidence, as yet, that the political leaders have seen the light any more clearly.

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HISTORIES OF LABOR[1]

IT has been said that the history of labor is second in importance only to the history of science. The place which labor and industry hold in the estimation of a community at any given time, the principles which regulate and control conditions of employment and the channels into which the energy and resources of a nation are directed, may be taken to indicate the extent of cultural and material development reached by the people in question. It has, therefore, been customary to define and appraise particular periods in the history of mankind in terms of the social and industrial position which the laboring classes have attained at the time. Accordingly, the evolution of organized society through the several stages referred to as barbarism, feudalism and mercantilism, is interpreted as an unfolding of the industrial order through slavery, serfdom and wage contract. But important as these differences in the status of labor may be, as bearing on the cultural and industrial development of society, of equal importance are the modifications which take place in one form or another in the condition of the working classes within any one of these epochs.

The *History of Labour in the United States* is an interesting recital of the aspirations and struggles of the laboring classes under the rule of wage contract and subject to the rigorous discipline of a ubiquitous application of mechanical inventions to industrial processes. Except for a brief introductory note by Professor H. W. Farnam of Yale University, introducing it as one of a series of studies in American economic history, together with a short general introduction by Professor John R. Commons, the *History* appears to be the work of a number of Professor Commons's associates and students, of whom Professor Helen Sumner is perhaps the best known. It might be expected that this study, owing to its cooperative character, would suffer from lack of uniformity in method and motive. But this is not the case. Each period or phase in this history of a labor movement extending over three-quarters of a century is dealt with according to a more or less prescribed and standardized outline. Given the phenomenon of

[1] History of Labour in the United States. By John R. Commons and Associates. New York, The Macmillan Company, 1918. Two volumes: xxv, 623; xx, 620 pp.

The Skilled Labourer, 1760–1832. By J. L. Hammond and Barbara Hammond. New York, Longmans, Green and Company, 1919.—ix, 397 pp.

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changing conditions and area of the market as the key to the entire problem, each author deals with the specific question in hand in terms of high prices, increasing cost of living and strikes for higher wages and shorter hours, the struggle finally ending in such activities as agitation for political reforms and cooperative undertakings. In one order of sequence or another and with slight degrees of variation, these are the phenomena that stand out in the pages of the *History of Labour*. This apparently deliberate, almost strained, effort to attain unity in the plan and uniformity in the presentation of the successive phases in the history of labor reveals the master hand of the scrupulous and painstaking editor-in-chief as well as the far-reaching influence of the exacting teacher, which invest the entire study with a uniformity of ideas and singleness of purpose seldom surpassed under ordinary conditions of independent authorship.

The work sets out with the rich promise of being a chapter in the economic history of the country, and in point of chronological precision and meticulous regard for matters of detail the promise has been realized to the fullest extent. The further ambition of the *History*, to interpret and evaluate the struggles of the working classes in terms of social and political institutions, can scarcely be said to have met with equal success. The uncertain land policies of both the national and the state governments, the rapid organization of banks, the constant confusion between the fiscal and monetary policies of the government and the consequent instability of prices, the conflict between federal and state laws and finally the continuous infiltration into the country's working classes of a vast, heterogeneous immigrant population—all these factors have undoubtedly influenced the trend of the labor movement in the United States. Notwitstanding repeated references to one or more of these factors, facts and figures often stand out in more or less bleak isolation. In spite, however, of occasional gaps in the organization and interpretation of the material in hand, it is undeniable that a careful reading of the present study is bound to give a new and broader meaning to modern industrial problems. No student of the labor movement in America may disregard it with impunity.

An inquiry into the industrial difficulties of any one period usually reveals fluctuations of prices as the main disturbing element. Rising prices have been attended by frequent strikes which were sometimes successful. Crises and depression have been followed by unemployment and disaster to large sections of the working population, often leaving in their wake disrupted and derelict labor organizations which, in the depths of their disappointment, turn to political activity, legisla-

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tive reforms or cooperative enterprises. Workingmen's parties sprang up, about 1830, in industrial centers, such as New York, Philadelphia and Boston, to take up the agitation for public education, abolition of imprisonment for debt, mechanics' lien *etc.* (volume ii, pp. 216 *et seq*).

These apparently blameless demands, together with their implications, throw considerable light on the temper of the working classes at the time, and in a measure they foreshadow the gradual sharpening of the lines along which the issue has been drawn between the personal rights of the laborer and the property rights of the employer. For instance, in seeking for the establishment of a free public educational system supported by taxation, the workingmen were virtually trying to shift to the propertied classes the burden of paying for the education of the children of the working classes, though few of them realized that, thanks to the price system and the elaborate credit operations of modern business, the shifting of burdens is a game in the playing of which the property owners have the advantage of longer training and more efficient technic. Similarly, in making the demand for mechanics' lien and the abolition of imprisonment for debt the working class was asking not for equality before the law but for preference over other classes of creditors and debtors. Freedom of contract implies freedom and equality of individuals, and the workers in putting forth these demands were in effect challenging the implication of free contract.

The end of the Civil War marks the beginning of a new era in the industrial development of the United States. Access to wider markets was made possible by the phenomenal expansion of transportation systems, and production on a larger scale followed the increasing use of machinery and the greater concentration of capital. These industrial changes and the further modifications in the processes of production gave a new turn to the labor movement. Its ideology as well as the methods and organization of the unions fell into more definite shape at the same time that the emphasis of the labor unions, in consonance with the economic changes referred to, came to be placed more and more on advantages and improvements intelligible only in terms of business and industrial concepts, such as higher wages, shorter hours, better conditions of employment, strategic display of force and more frequent resort to the use of force to gain a given end. This phase in the development of the labor movement in the United States is well illustrated by the rise and decline of the Knights of Labor and latterly by the growing strength and influence of the American Federation of Labor, which since 1886 has been the dominating factor in trade unionism in this country.

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In broad outline, the labor movement may be viewed as beginning with the standpoint of a broad humanitarianism—unbusinesslike in its methods and comparatively speaking compact in its structure. In the earlier stages it may be said to have represented the interests of exploited classes, irrespective of the social position or the industrial and professional classification of the individuals concerned. The comparison and contrast of classes was, therefore, between the poor and the rich, the wage workers and the property owners, the producers and the non-producers. In the words of the *Free Engineer* (1830): "It was labor against idleness; industry against money; justice against law." In succeeding stages the working classes assume the standpoint of a narrow or exclusive self-interest with business-like methods and a more or less loose and independent form of organization.

Aside from the rather exclusive and apparently self-sufficient character of the modern trade-union organizations, there is to be noted the still more significant modification in the general outlook and attitude of the trade unions. Notwithstanding the constant use in trade-union literature of such phrases as "inequitable distribution", "exploitation" *etc.*, the fundamental assumption in modern trade-union philosophy, just as in current business enterprise, is the theory of freedom of contract, which finds its best application in the trade-union policy of collective bargaining. Judged from the occasionally naive and often disingenuous interpretation of the concept of freedom of contract by some members of the employing classes, as implying an inalienable right on the part of individuals supposed to be free and equal to enter into contractual relations, the philosophy of collective bargaining may seem on the face of it not to fall within the premises of freedom of contract. This discrepancy, however, is apparent rather than substantial. The test of the theory of freedom of contract or, what amounts to the same thing, equality of opportunity, is in final analysis the standard of conduct subscribed to by the contracting parties. The rule of conduct adhered to and accepted by both the employing classes and the trade-union ranks is that of an abiding faith in the laws of supply and demand to regulate wages of labor as well as prices of commodities. Freedom of contract implies freedom to truck and barter according to prescribed rules of the game, and the rule of conduct in current business and industrial management is freedom and equality of opportunity to manipulate the supply and demand of merchantable goods. Tested by this standard the defence of the right of the individual laborer to work where, when and for whom he pleases, made by certain captains of industry, comes with bad grace and carries little conviction.

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The history of modern industrial development is the history of the method of collective bargaining, and the history of the conflict between labor and capital is the history of the efforts of employers and employees to improve their relative strategic positions to drive a business bargain. Trusts, pools and consolidations of industrial and commercial capital have been answered by the unionization and combination of workingmen, only to be met with the rejoinder of voting trusts, holding corporations and interlocking directorates on the part of the employing classes.

The complete domination of trade-union philosophy and activity by principles of modern business enterprise is further illustrated by the extreme tenacity with which the trade unionist clings to the doctrine of vested rights and prescribed privilege as regards the use and exploitation of his own job in his own craft—in much the same manner and quite to the same extent that his employer views his property rights in the tools, machinery, raw materials and factory. Consequently the trade unionist resents a curtailment or infringement of his vested rights, such as may come about through the introduction of labor-saving devices, in much the same manner as the employer resents an infringement of his trade mark. Similarly, the trade unionist hedges himself about by such defensive and protective measures as irritating rules and control of membership in his craft, together with the impositions of high dues and assessments, and resents any addition to his craft membership as confiscation of his vested right in his job without "due process of law" unless the prescribed rules and regulations of the craft have been complied with—in much the same manner as his employer hedges his property rights about by copyright and patent privileges and invokes constitutional safeguards in defence of these rights.

In so far as the study of the modern labor movement has to do primarily with collective bargaining, an adequate treatment of the struggles, methods and policies of labor organizations involves, it would appear, some attention to the growing dominance and concentration of capital in industry, for changes in the strength or modifications in the tactics of the parties to the collective contract influence and react on each other. Students of labor problems have, however, been content to confine their attention largely if not exclusively to a description and discussion of the structure and activities of labor organization. The *History of Labour in the United States* does not seem to deviate materially from this customary method of treatment.

The necessity for a more comprehensive treatment of the history of collective bargaining in modern industry becomes all the more appar-

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ent in cases of unusually sharp and bitter industrial struggle, such as the Haymarket episode of 1886, the Homestead strike of 1892 and the Pullman strike of two years later. Of the Homestead strike we read: "The labour organizations were taught two important lessons. First, that nothing can be gained through revolutionary striking, for the government was sufficiently strong to cope with it; and second, that employers had obtained a formidable ally in the courts" (volume ii, page 503).

The alliance referred to between courts of law and business corporations is, of course, a fact with which most students of industry are familiar. It has been clearly recognized by trade unions and sedulously and successfully cultivated by employers. But the alleged partnership between the government and the employers is a virtual negation of the theory of freedom of contract, and to that extent it involves a serious disturbance of the faith of the working classes in collective bargaining as a rule of conduct in industrial relations. The doctrine of free contract assumes conditions free from extraneous help or hindrance. Interference of governmental agencies in favor of one side or the other involves a violation of the rules of the game which is likely to undermine the morale of the working classes.

These circumstances might be expected to lead to considerable modification in the aims and methods of trade unions with a view to restore the balance thus upset between their own position and that of the employing classes as parties to a free and absolute contract. That is to say, the outcome of such a condition of affairs is likely to raise in the minds of the workers the question whether or not collective bargaining as an objective of trade-union activity is illusory and whether or not it is worth while to play the game with the dice loaded in favor of the opponent.

Except for the casual comments already indicated, these questions do not seem to have engaged the attention of the authors of the *History of Labour in the United States*. As a matter of fact the trend of events within the past twenty years and the consequent change in the frame of mind of the working classes seem to indicate that collective bargaining as a basis for an industrial *modus vivendi* is in the precarious condition of mutual abuse, distrust and suspicion. In the purview of employers and employees alike the wage bargain is made only to be broken at the next auspicious moment. The dogma of freedom of contract has been made to play the difficult role of a pale caryatid to uphold the decaying institution of collective bargaining. The rank and file of the working classes are less concerned about a momentary,

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even though an advantageous, wage bargain than in the complete revision and overhauling of the whole system of what appears to them as industrial pettifoggery and business make-believe. The employing classes, aided by the forces of law and order, have reached the conclusion that "there is nothing to *arbitrate*". The working classes, driven by the logic of events, are coming to the decision that "there is nothing to *bargain*".

The failure on the part of the authors of the *History of Labour* to appreciate the implications of the comparatively recent changes in the laborers' point of view has practically precluded them from dealing with the later history of labor. Consequently, out of more than a thousand pages comprising the two volumes before us only a scant twenty pages are devoted to the history of the labor movement of the last twenty years. It happens, of course, that the changes which have taken place in the past two decades in the aims, methods and philosophy of the working classes in the United States have been at least as important as were the changes marked by the supersession of the Knights of Labor by the American Federation of Labor nearly forty years ago. From the point of view of the more recent developments the *History of Labour in the United States* is scarcely more than a prehistory of the modern labor movement. The failure to deal with the later phase of the history of labor was inevitable, owing to the common predisposition among students of industrial relations to identify problems of labor and industry with problems of collective bargaining and orthodox trade unionism. Judged in the light of this preconception, the radical modifications in the philosophy and methods of certain classes among working men and women appear quite heterodox and unconventional—not in accordance with the accepted code of trade unionism and therefore not to be recognized. The new development in the labor movement speaks a different language—usually in a *foreign* tongue. It is unintelligible and intractable. It defies the conventional classification of labor organizations. Even the late Robert F. Hoxie, perhaps the keenest and most penetrating student of labor problems in the United States, regarded the movement for industrial unionism as of transient interest. It is not surprising, therefore, that the modern challenge to the structure, aims and methods of the conventional trade union is characterized, with an air of supreme complacency, "as either the unripe philosophy of upstart unionism, or the unripe philosophy of defeated unionism" (vol. i, page 16).

For a more detailed and more competent view of the operation of

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collective bargaining, in practice as well as in theory, no better field is offered than that of the textile industries. The development of factory labor and the urbanization of large sections of the population as a result of the mechanical inventions of the early nineteenth century are nowhere better illustrated than in the spinning and weaving trades in England at the time of the industrial revolution.

In earlier volumes Mr. and Mrs. Hammond have portrayed the change of fortune which overtook the common workman during the progress of the enclosures. They have opened up the dusty Home Office records and revealed the circumstances under which a peasant population was shaken loose from a life of comparative comfort and contentment and the manner in which it met the rigorous demands of the rapidly expanding commerce and industry. With what success and at what price to the community this readjustment and revolution was accomplished in town and country is now a familiar story to students of English industrial history.

The Skilled Labourer is the history of a new dispensation for the textile workers. The development of England's export trade in wool deprived the laborer of the use of the common pasture; the introduction of machinery in spinning and weaving trades destroyed his control over his skill and industry as an artisan. The regulation of the industry and conditions of employment now passed from the hands of the skilled laborer to the new employing class. This change in the industrial and social status of the wage worker was destined to be more far-reaching and disastrous in its consequences than the passing of the ownership of the land at the time of the enclosures from the peasant proprietor to the large land holder. The introduction of machinery, far from lightening the day's toil of the laborer, as is commonly supposed by economists, resulted on the contrary in lengthening the working day. Even more disastrous than the increase in the stress and strain on the worker was the phenomenon of child labor.

Under the new conditions of effective concentration and control of the ways and means of production, the futility of individual bargaining between worker and employer became apparent. A remedy for the inequality between their respective bargaining powers was therefore sought by the laborer by abandoning the individual bargain and meeting concentration of capital by collective bargaining to secure what is meant by the phrase "a fair day's wage for a fair day's work". Collective bargaining, like individual bargaining, assumes freedom of contract, which in turn implies free ownership and free labor. But with the further use and extension of the machine process in industry, the

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institution of ownership became less and less a matter of serious concern in industrial relations. For purposes of business, through the ownership of the machinery for production, the employing classes were enabled to exercise effective control over the labor power of the community without technically owning the labor forces. The dissociation of labor from land, while restricting the choice of the laborer in the disposition of his skill and industry, still left him some degree of industrial liberty so long as he was not deprived of his tools and the materials of his trade or of his control over his workshop. The industrial revolution of the nineteenth century deprived him of the last vestige of industrial and professional freedom to control the quantity, quality and conditions of production.

With the development of the factory system the struggle of the workers in the textile trades to improve their wages and hours of labor is only the outward expression of their deeper struggle to emancipate themselves from the domination of machine industry. The suffering and privations of the factory hands of Leeds and Manchester and the Luddite upheavals of Lancashire and Nottingham tell one and the same story of the struggle to control the processes of production and the conditions of employment. Thus the conflict between labor and capital is not between those who have and those who have not, but between those who control industrial processes and those who are controlled by them. The issue in industrial relations is no longer one of ownership but mainly one of control.

This change of emphasis from ownership to control involves a more or less serious modification in the attitude of the laboring classes. The promise of eventual emancipation and economic independence has usually served to keep up the workingman's courage and maintain his efficiency. The growing practice on the part of modern industrial corporations to offer the worker an "interest" in the concern, that is to say, certain opportunities for investment in the stocks and securities of the company, assumes that this will continue to be true. But the operation of modern industrial processes depends less on the institution of ownership than it formerly did; the main fact in the current industrial system is coming to be more and more one of control. It is well known that the crops and the income of the "independent" farmers throughout the land is effectively controlled by the bankers and business men of the country by means of their control of the transportation and marketing of the farm products. The ownership of the farm still vests legally in the farmer, but the control of its proceeds has passed into other hands.

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Furthermore, it is through this element of control that the introduction or elimination and displacement of what are commonly termed economic resources is determined. The current economic system proceeds on the basis of production in terms of price and price equivalents. The test of whether or not any factor is an economic resource depends on whether or not it falls within the price category. So, for example, labor is still an economic resource both from the point of view of him that gives and him that takes, and it will doubtless always remain such, despite all progress in the invention and use of labor-saving devices. But as soon as labor becomes recalcitrant and ceases to be amenable to the accepted business methods of control, it ceases to be a business asset for purposes of business gain. The employer can not use labor of this character "in his business". The industrial unrest of twentieth-century Europe and America, as well as the industrial struggles of nineteenth-century England, revolves about the issue of whether or not labor can be controlled in the interests of business.

The present mood of large sections of the laboring classes seems to indicate that control of labor by business men for business gain is becoming more and more difficult. The industrial community is face to face with a situation which threatens the destruction and neutralization of labor as an industrial as well as a business resource, since labor can serve business only through its service in industry. But so long as the test of business efficiency and pecuniary competency as applied to industrial processes remains intact, there seems to be little hope of an amicable understanding between the entrepreneur and the working classes. The main objective of the laboring population has so far been expressed in terms of freedom of contract and collective bargaining, but the issues in the current industrial situation are being gradually revised and reformulated. Forced by the economic and social distress imposed upon the community by standards of pecuniary solvency and business respectability, the workers seem to be turning their attention toward free association of labor and collective control of the community's resources in contradistinction to forced association of wage earners and collective bargaining with employers.

LEON ARDZROONI.

THE NEW SCHOOL FOR SOCIAL RESEARCH.

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REVIEWS

The Economic Consequences of the Peace. By JOHN MAYNARD KEYNES. New York, Harcourt, Brace and Howe, 1920.—298 pp.

It is now something like a year since this book was written. And much of its argument is in the nature of forecast which has in great part been overtaken by the precipitate run of events during these past months. Therefore it would scarcely be fair to read the author's argument as a presentation of current fact. It is rather to be taken as a presentation of the diplomatic potentialities of the Treaty and the League, as seen beforehand, and of the further consequences which may be expected to follow in the course of a statesmanlike management of things under the powers conferred by the Treaty and by the Covenant of the League. It is an altogether sober and admirably candid and facile argument, by a man familiar with diplomatic usage and trained in the details of large financial policy; and the wide vogue and earnest consideration which have been given to this volume reflect its very substantial merits. At the same time the same facts go to show how faithfully its point of view and its line of argument fall in with the prevailing attitude of thoughtful men toward the same range of questions. It is the attitude of men accustomed to take political documents at their face value.

Writing at about the date of its formulation and before its effectual working had been demonstrated, Mr. Keynes accepts the Treaty as a definitive formulation of the terms of peace, as a conclusive settlement rather than a strategic point of departure for further negotiations and a continuation of warlike enterprise—and this in spite of the fact that Mr. Keynes was continuously and intimately in touch with the Peace Conference during all those devious negotiations by which the Elder Statesmen of the Great Powers arrived at the bargains embodied in this instrument. These negotiations were quite secret, of course, as is fitting that negotiations among Elder Statesmen should be. But for all their vulpine secrecy, the temper and purposes of that hidden Conclave of political hucksters were already becoming evident to outsiders a year ago; and it is all the more surprising to find that an observer so shrewd and so advantageously placed as Mr. Keynes has been led to credit them with any degree of *bona fides* or to ascribe any degree of finality to the diplomatic instruments which came out of their bargaining.

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The Treaty was designed, in substance, to reestablish the *status quo ante*, with a particular view to the conservation of international jealousies. Instead of its having brought a settlement of the world's peace, the Treaty (together with the League) has already shown itself to be nothing better than a screen of diplomatic verbiage behind which the Elder Statesmen of the Great Powers continue their pursuit of political chicane and imperialistic aggrandizement. All this is patent now, and it needs no peculiar degree of courage to admit it. It is also scarcely too much to say that all this should have been sufficiently evident to Mr. Keynes a year ago. But in failing to take note of this patent state of the case Mr. Keynes only reflects the commonplace attitude of thoughtful citizens. His discussion, accordingly, is a faithful and exceptionally intelligent commentary on the language of the Treaty, rather than the consequences which were designed to follow from it or the uses to which it is lending itself. It would perhaps be an ungraceful overstatement to say that Mr. Keynes has successfully avoided the main facts in the case; but an equally broad statement to the contrary would be farther from the truth.

The events of the past months go to show that the central and most binding provision of the Treaty (and of the League) is an unrecorded clause by which the governments of the Great Powers are banded together for the suppression of Soviet Russia—unrecorded unless record of it is to be found somewhere among the secret archives of the League or of the Great Powers. Apart from this unacknowledged compact there appears to be nothing in the Treaty that has any character of stability or binding force. Of course, this compact for the reduction of Soviet Russia was not written into the text of the Treaty; it may rather be said to have been the parchment upon which the text was written. A formal avowal of such a compact for continued warlike operations would not comport with the usages of secret diplomacy, and then it might also be counted on unduly to irritate the underlying populations of the Great Powers, who are unable to see the urgency of the case in the same perspective as the Elder Statesmen. So this difficult but imperative task of suppressing Bolshevism, which faced the Conclave from the outset, has no part in Mr. Keynes's analysis of the consequences to be expected from the conclave's Treaty. Yet it is sufficiently evident now that the exigencies of the Conclave's campaign against Russian Bolshevism have shaped the working-out of the Treaty hitherto, beyond any other consideration. This appears to be the only interest which the Elder Statesmen of the Great Powers hold in common; in all else they appear to be engrossed with mutual jealousies and

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cross purposes, quite in the spirit of that imperialistic *status quo* out of which the Great War arose. And the like promises to hold true for the future, until after Soviet Russia or the Powers banded together in this surreptitious war on Russia shall reach the breaking point. In the nature of things it is a war without quarter; but in the nature of things it is also an enterprise which cannot be avowed.

It is quite needless to find fault with this urgent campaign of the governments of the Great Powers against Soviet Russia or to say anything in approval of it all. But it is necessary to take note of its urgency and the nature of it, as well as of the fact that this major factor in the practical working-out of the Peace has apparently escaped attention in the most competent analysis of the Peace and its consequences that has yet been offered. It has been overlooked, perhaps, because it is a foregone matter of course. Yet this oversight is unfortunate. Among other things, it has led Mr. Keynes into an ungracious characterization of the President and his share in the negotiations. Mr. Keynes has much that is uncomplimentary to say of the many concessions and comprehensive defeat in which the President and his avowed purposes became involved in the course of those negotiations with the Elder Statesmen of the Great Powers. Due appreciation of the gravity of this anti-Bolshevist issue, and of its ubiquitous and paramount force in the deliberations of the Conclave, should have saved Mr. Keynes from those expressions of scant courtesy which mar his characterization of the President and of the President's work as peacemaker.

The intrinsic merits of the quarrel between the Bolsheviki and the Elder Statesmen are not a matter for off-hand decision; nor need they come in consideration here. But the difficulties of the President's work as peacemaker are not to be appreciated without some regard to the nature of this issue that faced him. So, without prejudice, it seems necessary to call to mind the main facts of the case, as these facts confronted him in the negotiations with the Conclave. It is to be remarked, then, that Bolshevism is a menace to absentee ownership. At the same time the present economic and political order rests on absentee ownership. The imperialist policies of the Great Powers, including America, also look to the maintenance and extension of absentee ownership as the major and abiding purpose of all their political traffic. Absentee ownership, accordingly, is the foundation of law and order, according to that scheme of law and order which has been handed down out of the past in all the civilized nations, and to the perpetuation of which the Elder Statesmen are committed by native

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bent and by the duties of office. This applies to both the economic and the political order, in all these civilized nations, where the security of property rights has become virtually the sole concern of the constituted authorities.

The Fourteen Points were drawn up without due appreciation of this paramount place which absentee ownership has come to occupy in the modern civilized countries and without due appreciation of the intrinsically precarious equilibrium in which this paramount institution of civilized mankind has been placed by the growth of industry and education. The Bolshevist demonstration had not yet shown the menace, at the time when the Fourteen Points were drawn up. The Fourteen Points were drawn in the humane spirit of mid-Victorian Liberalism, without due realization of the fact that democracy has in the meantime outgrown the mid-Victorian scheme of personal liberty and has grown into a democracy of property rights. Not until the Bolshevist overturn and the rise of Soviet Russia did this new complexion of things become evident to men trained in the good old way of thinking on questions of policy. But at the date of the Peace Conference Soviet Russia had come to be the largest and most perplexing fact within the political and economic horizon. Therefore, so soon as a consideration of details was entered upon it became evident, point by point, that the demands of absentee ownership coincide with the requirements of the existing order, and that these paramount demands of absentee ownership are at the same time incompatible with the humane principles of mid-Victorian Liberalism. Therefore, regretfully and reluctantly, but imperatively, it became the part of wise statesmanship to save the existing order by saving absentee ownership and letting the Fourteen Points go in the discard. Bolshevism is a menace to absentee ownership; and in the light of events in Soviet Russia it became evident, point by point, that only with the definitive suppression of Bolshevism and all its works, at any cost, could the world be made safe for that Democracy of Property Rights on which the existing political and civil order is founded. So it became the first concern of all the guardians of the existing order to root out Bolshevism at any cost, without regard to international law.

If one is so inclined, one may find fault with the premises of this argument as being out of date and reactionary; and one might find fault with the President for being too straightly guided by considerations of this nature. But the President was committed to the preservation of the existing order of commercialized imperialism, by conviction and by his high office. His apparent defeat in the face of this

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unforeseen situation, therefore, was not so much a defeat, but rather a strategic realignment designed to compass what was indispensable, even at some cost to his own prestige,—the main consideration being the defeat of Bolshevism at any cost,—so that a well-considered view of the President's share in the deliberations of the Conclave will credit him with insight, courage, facility and tenacity of purpose rather than with that pusillanimity, vacillation and ineptitude which is ascribed to him in Mr. Keynes's too superficial review of the case.

So also his oversight of this paramount need of making the world safe for a democracy of absentee owners has led Mr. Keynes to take an unduly pessimistic view of the provisions covering the German indemnity. A notable leniency, amounting to something like collusive remissness, has characterized the dealings of the Powers with Germany hitherto. As should have seemed altogether probable beforehand, the stipulations touching the German indemnity have proved to be provisional and tentative only—if they should not rather be characterized as a diplomatic bluff, designed to gain time, divert attention and keep the various claimants in a reasonably patient frame of mind during the period of rehabilitation needed to reinstate the reactionary regime in Germany and erect it into a bulwark against Bolshevism. These stipulations have already suffered substantial modifications at every point that has come to a test hitherto, and there is no present indication and no present reason to believe that any of them will be lived up to in any integral fashion. They are apparently in the nature of a base for negotiations and are due to come up for indefinite further adjustment as expediency may dictate. And the expediencies of the case appear to run on two main considerations: (a) the defeat of Bolshevism, in Russia and elsewhere; and (b) the continued secure tenure of absentee ownership in Germany. It follows that Germany must not be crippled in such a degree as would leave the imperial establishment materially weakened in its campaign against Bolshevism abroad or radicalism at home. From which it also follows that no indemnity should effectually be levied on Germany such as will at all seriously cut into the free income of the propertied and privileged classes, who alone can be trusted to safeguard the democratic interests of absentee ownership. Such burden as the indemnity may impose must accordingly not exceed an amount which may conveniently be made to fall somewhat immediately on the propertyless working class, who are to be kept in hand. As required by these considerations of safety for the established order, it will be observed that the provisions of the Treaty shrewdly avoid any measures that would involve confiscation of property;

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whereas if these provisions had not been drawn with a shrewd eye to the continued security of absentee ownership, there should have been no serious difficulty in collecting an adequate indemnity from the wealth of Germany without materially deranging the country's industry and without hardship to others than the absentee owners. There is no reason, other than the reason of absentee ownership, why the Treaty should not have provided for a comprehensive repudiation of the German war debt, imperial, state and municipal, with a view to diverting that much of German income to the benefit of those who suffered from German aggression. So also no other reason stood in the way of a comprehensive confiscation of German wealth, so far as that wealth is covered by securities and is therefore held by absentee owners,—and there is no question as to the war guilt of these absentee owners.

But such a measure would subvert the order of society, which is an order of absentee ownership in so far as concerns the Elder Statesmen and the interests whose guardians they are. Therefore it would not do, nor has the notion been entertained, to divert any part of this free income from the German absentee owners to the relief of those who suffered from the war which these absentee owners carried into the countries of the Allies. In effect, in their efforts to safeguard the existing political and economic order—to make the world safe for a democracy of investors—the statesmen of the victorious Powers have taken sides with the war-guilty absentee owners of Germany and against their underlying population. All of which, of course, is quite regular and beyond reproach; nor does it all ruffle the course of Mr. Keynes's exposition of economic consequences, in any degree.

Even such conservative provisions as the Treaty makes for indemnifying the war victims have hitherto been enforced only with a shrewdly managed leniency, marked with an unmistakable partisan bias in favor of the German-Imperial *status quo ante;* as is also true for the provisions touching disarmament and the discontinuance of warlike industries and organization,—which provisions have been administered in a well-conceived spirit of *opéra bouffe*. Indeed, the measures hitherto taken in the execution of this Peace Treaty's provisional terms throw something of an air of fantasy over Mr. Keynes's apprehensions on this head.

THORSTEIN VEBLEN.

NEW YORK CITY.

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The Inside Story of the Peace Conference. By EDWARD J. DILLON. New York and London, Harper and Brothers, 1920.—513 pp.

Dr. E. J. Dillon is the *doyen* of European journalists, rivaled by few and surpassed by none in actual experience of continental affairs. The process of reaching this high position is long and wearing to all human qualities, and this book shows only too clearly that its author has stopped educating himself though he continues to instruct others. Of all things which so widely-traveled and experienced a writer might be expected to have gained, maturity of judgment is the chief—yet that is the quality most conspicuously lacking in his present writing. We thus have before us a book full of knowledge (not always accurate), which completely fails to convince the reader.

Dr. Dillon makes it a matter of self-congratulation that, "having no pet theories" of his own to champion, his "principal standard of judgment is derived from the law of causality and the rules of historical criticism." What he may mean by "pet theories", "the law of causality" and "the rules of historical criticism" we shall soon see; but we need only turn the first page of his preface to get a first taste of his temper and his method. He declares that it was a "fatal tactical mistake" to link the Treaty with the Covenant of the League of Nations, because "the maxims that underlie the former are irreconcilable with those that should determine the latter." Here is a judgment which is typical of Dr. Dillon's disorderly mind. For what does it mean in the actual circumstances of the Conference? Amplified and restated it runs thus: "The Peace Conference will frame and impose a treaty of peace. Having thus brought to an end the war which was the offspring of the diplomatic regime, the Conference will set up a new international order, to be known as the League of Nations, consecrated by a Covenant whose basic principles, however, will not be reconcilable with the treaty just signed." Can absurdity go farther except in the minds of the architects of houses divided against themselves? And if he means that he would have omitted the League altogether, then we can only say that his judgment of the world's condition and needs is even worse than it appears in this book.

But perhaps we should draw a distinction. On the world's *condition* Dr. Dillon is well informed. His general handling of the Bolshevik problem shows little of that hysteria which has marked and marred the behavior of governments and pressmen in Europe and America, and his discernment of the growing power, importance and political ambi-

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tion of labor leaves little to be desired. On the neglect of economic reconstruction in Paris he passes several severe but measured and merited judgments; and his regret that Mr. Hoover did not play a larger part in the Conference will be shared by everyone who knows the facts and Mr. Hoover.

When we come to the question of the *needs* of the world and how they should be met Dr. Dillon's attitude and proposals are disappointing. He is too true a child of the *ancien régime* in politics and diplomacy to be willing to give even the benefit of the doubt to the League of Nations; and as for the doubt itself, he spreads it over these pages in every form of epigram and innuendo. His vision of Russia is out of focus; his enthusiasm for Poland is so extravagant that he cannot mention the Jewish problem there—and what a formidable task its solution offers! Though for the most part a convinced believer in the stratagems and guarantees of the old diplomacy, he yet wavers now and then in his conviction and thus pronounces contradictory verdicts on successive pages. At one point he speaks approvingly of a Poland of 35,000,000 people! A little later he recovers his sanity in the phrase "a big Poland is a weak Poland", which contains a truth that will be written in letters of fire and terror across the opening pages of new Poland's history, unless Pilsudski and his friends mend their ways. Dr. Dillon praises Roman Dmowski as a "statesman". We wonder why. And the same wonder springs up each time he distributes his garlands of approval. On what principle and by what guage of merit does he single out Dmowski, Sonnino and Benes? The same standard can hardly apply to all three. They are all, indeed, endowed with brains of an unusual kind, especially Dmowski, who is one of the most brilliant men in Europe. Of the three I prefer Benes (though his brain is hardly of Dmowski's calibre) because he is genuine, constructive, patriotic, reasonable. But why, I ask again, exclude others from recognition? Is it caprice or design?

In the generalizations which he makes regarding the world Dr. Dillon strays far from realities. "The Conference", he says, "has transformed Europe into a seething mass of mutually hostile states . . . and has set the very elements of society in flux." The Conference did nothing of the kind. It found Europe in disorder after five years of war: the Habsburg Monarchy had broken up before the Conference met; the German Revolution antedated the Conference by at least two months; and out of the ruin of autocracy new national states had already risen upon the horizon of Europe even before the armistice was signed. As for "the very elements of society in flux", the first stroke

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of the disintegrating process was delivered when Germany crossed the Belgian frontier in 1914, the second when the Tsar abdicated, the third when Lenin launched his crusade against the bourgeois governments of the world. It is perfectly true, as Dr. Dillon repeatedly says, that the ignorance and cross-purposes of the statesmen in Paris gravely aggravated the results of these causes; but to lay the blame for all our distresses at the door of the Paris Conference is neither just nor creditable to the political intelligence of him who does it. Dr. Dillon finds fault with practically everything that was done in Paris, though he admits at the very end of the book that "the mere fact that the necessity of internationalism was solemnly proclaimed as the central idea of the new ordering . . . marks an advance from which there can be no retrogression." The reader will find in his pages a great deal of interesting matter about this incident or that, as well as much censorious criticism of the ways of statesmen; but what he will not find is any estimate of the forces underlying the work of the Paris Conference or any objective account of their operation.

In the important instance of Russia Dr. Dillon sums up the indictment against the Supreme Council by quoting the words of one of its members: "The fact is, we have no policy towards Russia.' Neither do we possess adequate data for one." The real point lies in the second sentence. Reliable information was lacking and to no small extent still is. It was lamentable that Russia, after her immense sacrifices in the war, should play no part in making peace. For that result the Allies in Paris cannot be held responsible. In 1919 there was no Russia, and those who claimed to represent her in Paris could not agree among themselves, because they held no mandate from their own country. When Russian groups in Paris differed so widely how could the Allies compose their own differences in the absence of "adequate data"? They could not. What Dr. Dillon calls "dismemberment", *e. g.*, the recognition of Esthonia, was not dismemberment but the result of the inevitable attitude of western statesmen toward those peoples who would not accept Lenin on the one hand and feared a restoration of centralized autocracy by the Russian reactionaries on the other. The wisest men in Paris declared themselves "agnostics on Russia" simply because they were in the dark. It is a misfortune for Russia and for the world that they were overborne by a wave of anti-Bolshevik hysteria which swept the allied governments into those ill-starred projects of intervention which came to such hopeless grief. After reading Dr. Dillon's chapter on the "Attitude toward Russia" we are no nearer to a true reading of the Allies' duty to Russia than we were be-

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fore. And the same verdict, *mutatis mutandis*, must be passed upon his treatment of the whole activity of the Peace Conference.

A. F. WHYTE.

LONDON.

Procopius. English translation by H. B. DEWING. New York, G. P. Putnam's Sons. Six volumes. Volumes I-III, 1914–1919. —xvi, 583; 488; 452 pp.

These three volumes contain the first five books and the first fifteen chapters of the sixth book of Procopius's *History of the Wars*, dealing with the Persian wars, the Vandalic wars, the Gothic wars to 539 A. D. and with the Herulians. The text given is that of Haury. The translation is literal as a rule but quite readable. Procopius is difficult to translate, but even the most meticulous historian need not quarrel over the accuracy of a translation which is printed on pages opposite the original text. Each volume contains an excellent analytical index of proper names of persons and places. Succeeding volumes will contain the remainder of the *Gothic War*, the *Buildings* and the *Secret History*.

Since the decline of interest and academic requirements in classical languages and an increasing emphasis on modern history are producing in this country historians who have "small Latin and less Greek", this publication is of particular value. H. Holcroft put the *History of the Wars* into English in 1653; an anonymous author, the *Secret History* in 1674; and Aubrey Stewart, the *Buildings* in 1886; Cousin summarized Procopius in French in 1685; Coste translated extensive excerpts into German in the Leipzig series, *Die Geschichtschreiber der Deutschen Vorzeit;* and Comparetti put all of Procopius into Italian in 1898. There are, of course, Latin versions of the narratives. It is our purpose here, in the light of some sixty years of study of his text by scholars of many lands, to make some estimate of the worth of Procopius as a source in regard to the facts of which he wrote.

In a passage near the beginning of his continuation of Procopius's *History*, Agathias remarks: "Procopius of Caesarea has written very exactly what took place during the reign of Justinian." We cannot tell to a certainty whether or not, in this sentence, Agathias was denying the value of those portions of the *History* which deal with events prior to the reign of Justinian. But the fact is that in the preliminary chapters which Procopius writes before he begins the more detailed and more slowly moving main narrative of each war, his work is not very accurate and is far from complete. His chronology is not always

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sufficiently exact for good source material, as Kirchner has shown with regard to the Persian affairs, Schulz with regard to the Vandals and Eckhardt with regard to the Goths. Indeed this lack of precise dating of events is similarly a frequent disadvantage in the main portions of the reports of the very wars of which the field secretary was an eye witness, *e. g.*, we can date the opening of the Asinarian Gate only by getting the year from Procopius and the day and the month from Marcellinus Comes. But even Procopius's division into years is as awkward for the modern reader as the chronology of Theophanes, until he has read Eckhardt's analysis of the special system which was used. Dewing has remedied this fault to a great extent by making marginal notations as to the dates of most of the important events.

In the events themselves, included in these preliminary historical summaries in which Procopius is laying the background for what is more especially his own history, he has been contradicted and criticized by German scholars since 1860 in a long series of dissertations and programs. They have taken the word of Malalas against his without question, they have quoted Theophanes to his confusion and they have called as witness against him the much later Chronicon Paschale, and they have even cast doubts upon the very existence of the "Persian accounts" and the "Armenian history" to which he refers. They have gone further than that. They have found phrases and clauses and situations and analogies in Herodotus and Thucydides and have, especially Braun and Brückner, accused him of distorting facts to his own glory and that of Belisarius and of making up incidents out of whole cloth, simply because he had found them interesting when he read classical accounts similar to them in Herodotus and Thucydides.

These accusations might be reasonable enough if they were confined to sketches for which Procopius was not a contemporary reporter and has never been considered especially valuable as a source. Criticism of these portions of Procopius is perfectly allowable and scarcely damages his reputation. It is even valuable, for it improves a text for which he probably had insufficient sources or perhaps none at all, save for traditional reports; and it is valuable, perhaps, as practice for scholars in handling source material and in learning the untrustworthiness of any but well authenticated contemporary accounts. But to extend this unfavorable frame of mind in reading of events which Procopius himself witnessed and to prefer Malalas simply because he seems to read "like an official bulletin" when we scarcely know what an official bulletin of that time reads like, seems like stretching a point too far.

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Haury entered the Procopian field in the last few years of the nineteenth century and frankly attacked the detractors. He was at some pains to show that some of the very scenes on the Persian frontier which Braun and Brückner had deemed mere fabrications, in imitation of Herodotus and Thucydides, were corroborated by such sources as Faustus of Byzantium, Zacharias of Mitylene and Josua Stylites. He showed that the education of Procopius was classical in character and that some of the very phrases in question were as evident in other writers of about the same time as in Procopius. And so, of very late years, there has been a reaction in favor of the Caesarean. The ecclesiastical history of Socrates Scolasticus may tell us more of Theodosius; Malalas may be fuller concerning the events of the year 529; Theophylact and Theophanes may be less partisan with regard to Germanus; but, on the whole, we find that Procopius, as Agathias says, is a fairly trustworthy source concerning the events which took place during the reign of Justinian. He is frequently corroborated by careful investigation; and his testimony is preferred on occasion by Haury to that of John of Antioch, and by Hodgkin to that of "the hasty and ignorant Jordanes." Bury and Hodgkin may dispute over the clarity of a passage about a line of mills or another about a formation for battle. Yet the fact remains that for the major portion of his *History of the Wars*, particularly in the detailed portions relating to campaigns and to diplomatic ultimata, he is practically our only source. If we recognize the general limitations which have been so frequently pointed out concerning him and take all that he says only after weighing it critically with the methods of historical and of psychological analysis, we can still accept him as a valuable authority.

The limitations of Procopius are five-fold: his chronology; his partisanship, especially evident with regard to Belisarius in the battle at Callicinum, to Justinian over Italian reenforcements and to the deeds of Germanus; his fondness for legends which even he himself repeats with hesitancy and doubt; his inclination to attribute events to the whims of fortune instead of to more definite causes; and a goodly number of minor inconsistencies, such as his changing attitude toward the Franks, so vigorously flayed by Brückner, his forgetfulness of the effect of the Plague of 542 on military campaigns, so keenly criticized by Bury and his archaic insistence on classic names like Massagetae, Epidamnus and Byzantium.

Among his distinct virtues may be pointed out his valuable details concerning military operations. His characterizations of monarchs are good. But more remarkable still, for his time, is the general artistic

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form of the histories, fairly well proportioned and interesting, dealing not only with purely military affairs or court intrigues, but with riots in the city and sickness over the countryside, even of commercial treaties of distant nations—and relating these, though not of course so well as the modern historian would do, to the general history of the period.

ELBRIDGE COLBY.

UNIVERSITY OF MINNESOTA.

The Six-Hour Day and Other Industrial Questions. By LORD LEVERHULME. New York, Henry Holt and Company, 1919.—xv, 344 pp.

Man to Man: The Story of Industrial Democracy. By JOHN LEITCH. New York, B. C. Forbes Company, 1919.—294 pp.

In the United States today the problem of industrial relations shares first honors in public interest with the League of Nations. Considerable interest therefore attaches to accounts of two of the few outstanding successes in the relation of employer and employee. Lord Leverhulme, the wealthy British soap manufacturer, with plants scattered over the world and with a business valued in the hundreds of millions, apparently has no trouble with labor, and his assurance from the success of his plans has led him to apply his theories to society in general. John Leitch, a former employee, has met with brilliant success here in America in the application of his plan, which is usually remembered as the one calling for an industrial House of Representatives, Senate and Cabinet. Leitch has put his plan in operation in more than twenty widely different industries, in various parts of the United States where relations between employer and employee ranged from bad to worse; and he has with few exceptions, apparently, succeeded remarkably. How have these two men accomplished such results? Do we find here the clue which, if followed by others, will bring peace and mutual satisfaction out of the turmoil which seems to threaten at times even the foundations of our social order?

Lord Leverhulme's success in his relations with employees seems to have been due to high wages, profit sharing (co-partnership), welfare-work, good housing and short hours. Most of his success is the result of what may be characterized as an extension of the concept of welfare work, giving a rather broad and generous definition to that term. The idea of welfare work is the provision by the employer for the welfare of employees that makes them healthier, happier and thereby more efficient. Most welfare work is quite limited, being confined to locker-

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rooms, sanitation, rest-rooms and the like. In other words, it satisfies only a few of the human instincts of the workers. If, however, it is extended far enough to satisfy a large number of instincts, would it not prevent or break industrial unrest? As developed by Lord Leverhulme, it has brought the satisfaction so many industries are looking for. It has also "paid." The author insists particularly that such plans should "pay." He is very much opposed to anything that can be called charity and would probably object to the labeling of his plans as welfare work, if to the reader welfare work implies philanthropy or giving something to employees. The working out of his plans has been straightforward and apparently without the taint of camouflage. The profits shared are over and above the highest current level of wages, which are always paid to his employees. The term profit-sharing is not used. It is called prosperity-sharing, implying that there is no sharing of losses and that the employees are sharing in the prosperity which they create. It is understood that they are not getting something for nothing. All this is "good business", because it makes healthy, happy and efficient workmen. The price will seem high to the average employer, but apparently he gets the service.

Much of what is said by Lord Leverhulme concerns a variety of social problems, such as education, city planning, taxation and socialism, but efficiency in production is the central theme. The six-hour day, applied in two shifts, will pay, he says, in those industries where the labor costs are not more than one-half the total cost. This is true because the machinery will be worked double time, which can be done since it is not subject to fatigue and is usually scrapped before it is worn out. The argument would seem to be sound, provided there is a market for the increased production or a readjustment of plant capacity. The idea is quite similar to that advanced by some of the modern industrial engineers who point out the over-development of plant capacity and show how inefficiency in plant production is encouraged by reckoning in the cost of idle plant in selling charges.

The author has, I think, shown originality in discussing the concept of welfare work from the point of view of consumption as well as of production. For instance, higher wages not only increase production but also create a market. The shorter working day yields two more hours in which to spend, and the double shift means more persons to buy. And so from the marketing point of view it is "good business" for all the industries of society to pay higher wages and work the employees shorter hours. This marketing theory is perhaps somewhat more applicable to an industry making soap and toilet articles than to

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some others, and no doubt this particular business would gain if the author's theories were adopted by other industries. This marketing advantage is not so directly apparent to an industry making steel rails.

John Leitch's scheme of industrial democracy is not so far-reaching nor comprehensive in its significance, although its achievements seem almost marvelous. The plan is simple, clear-cut and easily understood. Leitch goes into any industry, anywhere, where relations between employer and employees are bad and first prepares the way by persuading, preaching and talking about justice, fairness and the square deal, somewhat, one would imagine, after the manner of a revivalist. Thus the soil is prepared. He then organizes the men into one large shop committee known as the House of Representatives, consisting of all the employees if the plant is small, or of their elected representatives if it is large. The Senate is made up of under-executives, department heads and sub-foremen. The Cabinet consists of the executive officers of the company, with the president of the company acting as chairman. Bills must pass both the House and the Senate and may be vetoed by the Cabinet. It is thus seen that the resemblance between political democracy and industrial democracy is largely nominal, yet the author rather naïvely refers to his plan as Industrial Democracy, and the words are always capitalized, the implication seeming to be that there is no other kind, at least none "just as good." It certainly is not the industrial democracy the Webbs wrote about nor the industrial democracy that radical labor wants. In a democracy the people are supposed to govern, but on page 211 we find this statement: "Another employer says that Industrial Democracy has enabled him to have a better and a firmer control. . . than he had ever before thought possible." However, the plan is interesting as a type of shop committee and is distinctive in taking over the terminology of the government. Apparently, experience shows that the workmen have used the plan fairly generously and have given considerable attention to plant affairs and occasionally to hours and wages. Although this scheme may not be industrial democracy spelled without capitals, it is obviously a great improvement over conditions where workmen have little or no voice in the affairs of the plant.

If the reader casually turns the pages of this book, he will see a good deal that has to do with justice, economy and energy, but very little about the question of pay. The last ten pages of chapter vii, however, do discuss this question. It is there seen that there is a special compensation that accompanies this subscription to ethical principles and this setting-up of governmental machinery, namely, a division with the

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employer of all savings due to economy and efficiency on a fifty-fifty basis. The result of the whole plan is seen to be a quite marked increase in earnings and a marked increase in production. It is a nice question to inquire how far this desirable situation is due to the lure of extra compensation and how far to contentment that comes from having a voice in the management of the plant and a sense of fair treatment, without regard to pay. Leitch feels, apparently quite genuinely and firmly, that the financial compensation is of slight consequence in his plan and states that this sharing of savings would not alone accomplish the results. Yet the question remains; for the author, with his ethical attitude, may conceivably overemphasize the ethical aspects of his plan.

The author's plan of profit sharing, if such it may be called, has, I think, certain conspicuous merits. He thinks that the amount shared must be seen quite simply by the worker to be the direct and immediate result of his own efforts or the efforts of a small group. The appeal is strong where the relationship is so close. On the other hand, where the profits shared with the worker are like dividends, which he does not wholly control, which may be affected by many factors quite aside from the worker himself, the stimulation to efficiency in order to get profits may not be so effective. Leitch's plan may, therefore, have certain merits not found so satisfactorily in the Plumb plan, although it is realized that the railroads do not lend themselves so readily to this "collective economy dividend".

Granting the success of Leitch's scheme, it is to be remembered that this is a dynamic world, and one wonders what change will follow in time. Will the employees be as content as now when the curve of increase in savings due to efficiency slopes less sharply upward or when the *milieu* of justice and the square deal may become dissipated, when separated from the spell of Leitch's personality?

It is thought that the psychological theory on which these men have succeeded in solving the relations of employer and employee is fairly clear and sound. And other employers can no doubt succeed by the same methods. Such successes are, however, only steps or stages in an evolution.

WILLIAM F. OGBURN.

The Nonpartisan League. By HERBERT E. GASTON. New York, Harcourt, Brace and Howe, 1920.—vii, 325 pp.

It was not the design of the originators of governmental mechanisms in the United States to make it easy for the majority of the electorate to get what it wants as soon as it wants it. The influence of men of

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light and leading is fostered not a little by our system of checks and balances. While the farmers of North Dakota were not the first to discover this characteristic of our polity, they have been preeminent in finding a way to displace men of light and leading by the preponderance of numbers. The story of their efforts is told in an interesting way by Mr. Gaston. He was for three years connected with the publicity work of the Nonpartisan League, and he writes as an insider. The political science which we meet in his book is not at all abstract. Of concepts, sub-concepts and super-concepts there is none. Instead we have vivid description of the actual political processes by which a voluntary organization, working chiefly through the machinery of the Republican party, became dominant in the three departments of government and put into effect its political and economic program. Without implying any characterization of this program, it may be said that its adoption lends sanction to the saying that if the people want socialism the Republican party will give it to them. Whether the North Dakota experiments will prove a practical success and whether they will pass the Supreme Court's conceptions of the Fourteenth Amendment still remain to be seen.

Mr. Gaston does not slight the hostility which Mr. Townley and his associates have aroused. He finds significance in the identity of the opponents of the economic ambitions of the League prior to the war and the denunciators of its leaders for lack of martial zeal while the war was going on. He tells us that the banker and miller group and its adherents arrogated to themselves the exclusive leadership of war drives and did their best to prevent the cooperation of Governor Frazier and other leaders of the League. The speeches of Townley and others which he quotes indicate that the League officials were merely continuing to fight old battles and striving to prevent their domestic enemies from using the war as a weapon to subvert the League. If the statements quoted were the most extreme, the author makes a good case for his contention. He shows how false impressions were fostered by taking sentences from their context. He seems, however, to be more specific in telling of the outrages visited on League organizers than in detailing their words and actions which preceded. Yet in discussing the facts which he relates he gives the impression of fair-mindedness and level-headedness. He writes without rancor and foregoes the flamboyant. He has the brains not to prejudice his side of the case by the manner of its presentation, which is more than can be said of many who have delivered themselves on the other side.

Those of us who are not North Dakota farmers may perhaps raise

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our eyebrows when Mr. Gaston naïvely imputes unselfishness to the members of the League. Take, for example, the implied contrast in the following paragraph:

> The League's plan of organization surely has something in it for the consideration if not for the adoption of the American people. It furnishes a plan of counteracting the evil of the backing of political parties and factions by selfish interests which seek to dominate and usually do dominate. It makes the politician independent of the power of wealth if he wishes. Certainly it must be considered that there is more democracy in a political faction of which all members are equally assessed to carry on its organization and propaganda than one which derives its revenue from business interests which plan to profit by the enactment of laws, or which elects candidates who themselves made heavy investments in campaigns which they must in some way recoup.

The author, however, does not go so far as directly to accuse the farmers of altruism. He touches upon the relation of their labor program to the desire to get labor votes. He makes it clear enough that the state bank, state mills and elevators, the hail-insurance fund, the exemption of farm improvements from the general property tax and other differentiations in the assessment of various kinds of property are laws by whose enactment the business interests of the farmers plan to profit. The investment of $18 made biennially by each dues-paying member of the League seems fully warranted by the prospects. How one likes all this depends not a little upon the direction in which one's sympathies run. But those who read Mr. Gaston for enlightenment rather than for emotional satisfaction or dissatisfaction are certain to be grateful for his book.

THOMAS REED POWELL.

Socialism in Thought and Action. By HARRY W. LAIDLER. New York, The Macmillan Company, 1920.—xviii, 546 pp.

In 1913 Mr. Samuel Gompers, in addressing a body of merchants and professional men, assured them that socialist management of state or industry was "an impossibility". The statement was loudly applauded. Yet, judged by contemporary events, the speaker's language was, to say the least, rhetorical. Socialist governments now rule Russia and Germany; socialist parties are factors to be increasingly reckoned with in the practical politics of all the western countries; and not a few of the world's ablest men in literature and science are open supporters of the socialist cause. A movement which, rightly

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or wrongly, enjoys as much support as this, is not lightly to be brushed aside. But many educated men still do brush it aside even more lightly and cavalierly than Mr. Gompers did.

Educated men of this stamp plainly need more education, and it is with the aim of accelerating the process that Dr. Laidler offers to the public his *Socialism in Thought and Action*. In a good general book on socialism we should certainly look for a competent survey of the significant aspects of the subject and a reliable guide to the chief problems with which socialism deals. These are precisely the two things that Dr. Laidler's book furnishes. The author's equipment for the task is beyond dispute. He is a trained student of economics; he has been in constant first-hand touch with every phase of the American socialist movement; he has rubbed shoulders with most of the European socialist leaders at various international conferences and congresses; and yet, as secretary of the Intercollegiate Socialist Society, an educational and not a propagandist body, he has necessarily kept aloof from factional bigotry and partisan warfare and has cultivated a detachment from doctrinaire advocacy which the mere party politician or pamphleteer could scarcely hope to acquire. The open-minded reader will be struck by the clear organization of the subject matter of the book, the scholarly approach to the several problems, the temperate statement of socialist claims, the careful discrimination between rival schools of socialist thought and the candid analysis of the chief objections to socialism which the champions of an individualist society have usually raised.

It is impossible in a brief review to enter into any adequate discussion of the contents of the volume. Much might be said in emphasis of the illuminating chapter on "Wastes in Production"; of the exposition and criticism of the Marxian theories; of the unique section on the cooperatives and other installments of socialism; and of the compact history of the successive Internationals. Suffice it to say that the accounts of the recent Russian and German revolutions are succinct and fascinating, besides being as complete as the requirements of the book permit. As for the chapter that treats of the four-fold offspring of socialism—Marxism, Guildism, Syndicalism and Sovietism—too much can hardly be said of its usefulness to the college student or the general reader. All four "schools" are identified and differentiated in a manner as remote as possible from the "smoke-screen" elucidations which the bewildered student so frequently encounters.

The main objections commonly urged against socialism are cited with great fairness, like those respecting *incentive* and *bureaucratic*

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tyranny, and counter arguments are offered in reply. Here as elsewhere the author avowedly gives prominence not to defences of his own but to defences formulated by official socialist bodies or by recognized socialist leaders. The same fair-minded policy is followed in setting forth the differences between the right and left wings of the party and in describing the more serious disputes that caused a schism during the European war and led two factions to seek independent careers in the Communist and the Communist Labor parties respectively.

What lifts the book far above the numerous other surveys of socialism is the consistency with which Dr. Laidler correlates socialist theory and socialist tactics and the care with which he expounds the creed of socialism in its ceaseless interplay with the facts of American politics and industry. When it comes to a concrete handling of the material, books like Mr. Spargo's, so serviceable on the abstract side, leave much to be desired. But Dr. Laidler tells us what socialist intellectuals are actually thinking and what the socialist rank and file are actually doing. And is not this precisely what we need to know, if we are to grasp the purpose and the strength of the movement in its entirety?

Socialism in Thought and Action fully lives up to its title. Its pages depict socialism not merely as a body of abstruse propositions but as a living, growing product of human need and effort, of trial, error and modification. Manifestly, the book does not represent socialism as General Wood and Mr. Gompers see it or as Lenin and Trotzky see it. It represents socialism as seen by a trained mind, a mind that has experienced a direct collision with socialist activities during the years that the movement has been taking root in American soil.

FELIX GRENDON.

COLLEGE OF THE CITY OF NEW YORK.

International Commerce and Reconstruction. By ELISHA M. FRIEDMAN. New York, E. P. Dutton and Company, 1920.—xxii, 432 pp.

In writing this book Mr. Friedman undoubtedly had in mind the practical needs of the newcomer in the export and foreign banking business. He presents a compact and admirable summary and source book of recent developments in governmental policies with regard to international trade. It is to be hoped that the book will enjoy a wide reading, reach a general audience and thus help to break down the prejudices that are so deep-rooted in America against

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really vital commitments in international political and economic affairs. The present reviewer recalls a course on international law taken in the halcyon undergraduate days before the war, in which the discussion of sovereignty effectively obscured every other topic. Any intimation that trade relations and export figures throw light on international law would have been regarded as a profanation of the subject. Today, with the development of a new literature in the field, undergraduates can have no excuse for not understanding the meaning of Professor Horace M. Kallen's epigram that absolute sovereignty is an absurdity wherever one nation is dependent upon another for any of its essential raw materials.

Although it would by no means be an adequate college text on the subject, Mr. Friedman's survey would form a useful outline for a course much needed to complete the general economic and political education of the individual who desires to be truly contemporary-minded. To be sure, the key to an understanding of the forces behind existing phenomena is not always indicated. Brailsford's *War of Steel and Gold*, with its acute analysis of the relation of imperialism to capitalism, is passed by unnoticed, as is J. A. Hobson's *Toward International Government*.

But the position which Mr. Friedman takes toward the Paris Resolutions, tariffs and international fiscal policies is broad and forward looking. And his final statement that "nations, commercially interdependent and politically independent, alone can constitute a League of Nations" truthfully reflects his faith in a sensibly cooperative international economic structure.

The method employed to present the contemporary situation is to review the salient documents, administrative achievements and legislative provisions of all the important commercial countries of the world. This method is on the whole successful; but a writer of Mr. Friedman's standing can by this time—this is his third book—venture without undue hazard into a more positive expression of opinion. His treatment of the problem entailed in Japan's commercial development is sufficiently brief, guarded and unopinionated to illustrate the tendency I refer to. This tendency, admirable in the encyclopedist, may grow to be a fault with a student of Mr. Friedman's acumen. For we must come to realize that international trade can develop, safely to the peace of the world, in only one of the two possible ways. And American writers and students who understand the choice that has to be made must begin to set the attitude of the country, consciously and aggressively, in a new direction. That direction is toward a cooper-

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ative development and use of the world's economic resources along lines well suggested by the war-time interallied organization for the distribution of the world's wheat supply.

ORDWAY TEAD.

NEW YORK CITY.

Money and Prices. By J. LAURENCE LAUGHLIN. New York, Charles Scribner's Sons, 1919.—xi, 314 pp.

Credit of the Nations. By J. LAURENCE LAUGHLIN. New York, Charles Scribner's Sons, 1919.—xi, 406 pp.

These two books by the dean of American writers on money and credit were inspired by the revolutionary phenomena of the war. The strain put on the monetary and credit systems of the world, which were used as instrumentalities for controlling and coercing productive resources for war purposes, led to wholesale sacrifices of basic monetary standards and to unprecedented fluctuations in prices. The war has supplied the monetary theorist with material sufficient to keep him busy for a long time to come.

Unquestionably Professor Laughlin's volumes are the result of his interest in monetary theories. *Credit of the Nations* is more historical and descriptive than theoretical, but much of the author's familiar theory is found in its pages, and the reader gets a rather distinct impression that the ultimate object of all the historical discussion is the justification if not the verification of Professor Laughlin's theoretical system of money, credit and prices.

As a preliminary study, *Credit of the Nations* is interesting and helpful. It will be some years before all the essential data can be brought together and before a proper sense of proportion and perspective can be developed for anything like a complete study of this important subject. In the book under review Professor Laughlin is concerned practically with only the emergency operations in England, France, Germany and the United States while the last named was still neutral. In the first chapter he essays a little economic philosophizing about the causes of the war and in the second chapter a discussion in like tenor of the relations between war and credit. The four remaining chapters deal respectively with England, France, Germany and the United States. The appendix is similarly divided by nations into sections, under which are gathered valuable documents, decrees *etc.*

In *Money and Prices* we have an abridged edition, with some new

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facts and illustrations, of the author's *Principles of Money*. Throughout he does not recede an iota from his extreme bullionist interpretation of monetary value. In support of this interpretation he brings together more concrete material, proportionally, than is to be found in the earlier treatise and lays special emphasis on important developments since 1896. In a sense the new volume is thus a continuation of the older work. But as far as theoretical exposition is concerned, all the old positions are valiantly maintained. The book contains eleven chapters and an appendix, in which the Dominican monetary law of 1894 is reproduced. Besides price changes, Professor Laughlin discusses the problem of the increased cost of living, the European war and inflation, agricultural unrest, socialism in the price question and the reform of our own currency system. Having been chosen by the government as an expert to assist in the reform of the money system of Santo Domingo, he devotes a chapter to Dominican monetary questions. While Professor Laughlin's writings are always interesting, his extreme theories are accepted by few.

E. E. AGGER.

COLUMBIA UNIVERSITY.

Contracts and Combinations in Restraint of Trade. By ALBERT M. KALES. Chicago, Callaghan and Company, 1918.—xiii, 169 pp.

Much of the confusion in the law of restraint of trade is due to the absence of any nice discrimination between the situations which give birth to contention. Since the question whether restraint of trade in fact is restraint of trade in law depends upon considerations of degree and of justification, there can be no definition of unlawful restraint of trade in general. Restraint of trade has become a term of art with all the faults and virtues of a chameleon. The law of restraint of trade is not law at all to those in search of general formulations. It is just a queer congeries of particulars. No wonder it makes the traditional lawyer squirm. He searches for a sign, and no sign is given him. How then shall he thread his way through the maze?

Here is a book that will help him. Mr. Kales appreciates that each controversy over a question of restraint of trade presents a more or less peculiar problem. He classifies these problems on the basis of the subject matter of the contracts which create them. Contracts to refrain from doing business are divided into those by persons who have no relation to the business, those by persons in or entering the service of the promisee, those by persons selling out an existing business. The third group is subdivided into those where the sale is to a competitor

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and those where it is not. Further subdivisions take account of the relation between the territorial extent of the restriction and that of the business sold. The same plan is followed throughout the book. Each issue is hung on an appropriate peg, and no two pegs are alike. Thus a surprising amount of order is wrought from the terrible chaos of the law of restraint of trade as a whole. Apparent contradictions are obliterated by showing that the cases are not comparable. Questionable decisions are shown to be influenced by bad borrowing of canons good enough when left where they belong. Sensible decisions supported by foolish reasons are improved in appearance by being shifted to a different peg than that on which they were hung by the court. And always what was actually involved and what was actually done about it gets explicit consideration. If Mr. Kales can find out why it was done, he tells us. Sometimes he has to give up the quest. After hunting for the alleged unfair methods relied on in one of the famous anti-trust cases, he reports:

> The passages which purport to deal with them contain a great many words, which give the impression of weight by their sound; but a careful attention to what is said must leave the reader in doubt as to whether any of the suggested methods were illegal or unfair methods of competition [page 117].

The need of such careful analysis and arrangement as that given by Mr. Kales is the greater because of the propensity of some economists to lift language from judicial opinions and make it seem to give general definitions of economic concepts. Judges have enough economic sins to do penance for without being made to seem still wickeder by having what they say in one connection taken as intended to apply everywhere else. The economists, however, are not the only ones who need to go to school to Mr. Kales. The lawyers, too, have something to learn from his technique. They need to learn the lesson that the problems which the law of restraint of trade deals with are economic problems, that they must be solved on the basis of economic facts and principles and by a balancing of economic considerations in the scales of views of public policy. They know well enough that legislatures legislate or ought to legislate on such a basis. But many of them seem to think that the job becomes mysteriously different when legislatures turn it over to the courts, as they do by such a meaningless statute as the Sherman Act. Mr. Kales keeps always to the forefront the economic considerations that have to be balanced in deciding whether contracts which restrain trade somewhat, restrain it too much. He shows how the courts handle these considerations. Into his 150 pages of text he has

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packed more meat than the common compiler of law books puts into two fat volumes. His book is a model of compressed, clear thought and terse, lucid expression.

THOMAS REED POWELL.

Government Organization in War Time and After. By W. F. WILLOUGHBY. New York, D. Appleton and Company, 1919.—xix, 370 pp.

Mr. Willoughby's book deals with political anatomy rather than political physiology. That is to say, it outlines the origin and minute structure of particular agencies of war administration without fitting them into the general scheme of organization and explaining how they functioned; it does not attempt to diagnose the ills from which the American democracy suffered during its preparation for war nor to suggest remedies which might have been used.

After a short introduction, which discusses the general problem of administration, Mr. Willoughby devotes several chapters to the mobilization of science, publicity agencies, finance, industry, foreign trade, shipping, inland transportation, labor, fuel, control of enemy aliens, the problem of air-craft construction and the provision of war-risk insurance. Dates and personnels are accurately given; the relevant laws and executive orders are listed and in most cases quoted from. The treatment is much more detailed, although the number of agencies mentioned is less, than that in the War Department's useful *Handbook of Economic Agencies of the War of 1917* (Historical Branch, General Staff, Monograph No. 3). There is no consideration of the activities of the regular departments of the government, and the two most important subjects of all, the army and the navy, are reserved for treatment in other volumes of the series in which this one appears. Such a division of labor makes impossible any discussion of how administration was really carried on.

As to the matters with which he deals, Mr. Willoughby says that a full discussion of each would require a separate volume. That is true, but in a treatment so unlimited as to title, it is not unreasonable to expect the author to say something of government propaganda as a most serious war and reconstruction problem; of the unsatisfied but very real and justifiable desire of Congress, appropriating huge sums of money, to exert some check on extravagance in expenditure; and of the manner in which the President attempted to keep control of the war boards that were created and to coordinate their work. The War Industries Board cannot be understood unless

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it is considered with reference to the Purchase, Storage and Traffic Division of the General Staff; what were the purposes of the two agencies; how did they work together; what were the causes of the failures; was the final articulation one which ought to be attempted if the United States goes to war again? This is one of the most important and interesting problems of government organization, but it is not dealt with in Mr. Willoughby's book.

A concluding chapter, which furnishes the justification for the last word of the title, contains a brief summary and prophecy. The features of governmental action which stand out prominently are the "large way" in which the task was accomplished, the reliance on voluntary cooperation rather than compulsion in the execution of policies, the use of licenses and the establishment of subsidiary corporations to deal with war finance, shipping construction, the purchase of wheat and housing. As for the future, we read: "The great problem of the relation of the Government to industry, trade, the railroads, shipping, labor, education, science, and indeed every phase of social activity, presents itself in a new form as the result of our war experience." No one will disagree with this opinion.

LINDSAY ROGERS.

UNIVERSITY OF VIRGINIA.

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SUPPLEMENT

RECORD OF POLITICAL EVENTS

[From August 1, 1919, to June 30, 1920]

BY

ELMER D. GRAPER

AND

HARRY J. CARMAN

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RECORD OF POLITICAL EVENTS

[From August 1, 1919, to June 30, 1920] [1]

I. THE PEACE CONFERENCE AND TREATIES

When President Wilson returned from Europe in July, 1919, it was quite generally believed that the principal work of the **Peace Conference** had been completed. The turmoil in connection with Shantung, Hungary, Rumania, Russia, Ireland and the problems of the Near and Far East soon demonstrated that the work of the Conference was far from being ended.—The **treaty of peace with Austria,** delivered to the Austrian peace delegation on July 20, 1919 (see last RECORD, p. 67), was vigorously denounced by the Austrian press, and on July 27 the Austrian representatives petitioned the Allies for an extension of time in which to reply. Their reply, delivered on August 6 in the shape of counter-proposals, urged territorial and economic modifications, and, in accordance therewith, certain **concessions were granted** as follows: property of Austrian nationals in territories ceded to the Allied Powers to be restored to owners free from any measure of liquidation and guaranteed against seizure or liquidation in future; contracts between Austrian nationals and persons who acquire an Allied nationality under the treaty to be maintained with an option of cancellation; provision to be made assuring Austria of coal supply from Czechoslovakia and Poland, upon which she is dependent, in return for reciprocal obligations for the supply of certain raw materials; outstanding questions affecting nationals of Austria, which require settlement between Austria and its inheriting neighbors, to be regulated by separate conventions, in which Austria will be represented on an equal footing with the other states concerned. The period within which Austria is obliged to give favored-nation treatment in its commercial relations with Allied and Associated Powers was reduced from five to three years. The assignment of Radkersburg to Austria was the only territorial modification made. The **revised text** was handed to the Austrian plenipotentiaries at St. Germain on September 2 and was accepted four days later by the Austrian National Assembly by a vote of 97 to 23, the German Nationalists voting against acceptance and several members of the Southern Tyrolean party abstaining from participation. The treaty was accepted only after adoption without dissent of the government's resolution of protest to the effect that the territorial clauses of the treaty grossly violated the principle of self-

[1] Hereafter the RECORD will begin July 1 and end June 30.

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determination on which the armistice was concluded. Two documents were attached to the Austrian letter of acceptance: one a statement of the National Assembly declaring that Austria bowed before necessity; the other a protest to the National Assembly made by the representatives of the peoples detached from Austria by the treaty. On September 10 the treaty with its amendatory provisions was signed at St. Germain by Dr. Renner for Austria and by representatives of twenty-five Allied and Associated Powers. — The **Bulgarian peace treaty** was handed to the Bulgarian delegation, headed by M. Theodoroff, on September 19. Many clauses are identical with those of the Treaty of Versailles, notably the League of Nations Covenant, and the clauses on labor, aerial navigation, penalties, prisoners and graves. **Thrace** is ceded to the principal Allied and Associated Powers, and Bulgaria agrees to accept whatever disposition the Powers decide upon for this territory, but Bulgaria is assured an economic outlet to the Aegean Sea. Her western frontier is slightly modified to the advantage of Serbia. In the southeast a small piece of Turkish territory northwest of Mustafa Pasha is given to the Bulgars. The question of inducing Rumania to cede to Bulgaria the Bulgarian portion of the Dobruja is left for future consideration. The Bulgarians are required to recognize the independence of Jugoslavia, and provisions are made for changing the nationality of the inhabitants of the territory formerly Bulgarian and now transferred to other states. The terms provide for the protection of minorities in race, language, nationality and religion. Within three months the Bulgarians are required to demobilize their army and substitute volunteer enlistment; the army, which is limited to 20,000 men, is to be used exclusively for the maintenance of order and frontier control. The manufacture of war material is confined to one establishment, and all warships, submarines and air equipment must be surrendered. Bulgaria is required to pay as reparation $445,000,000 through an interallied commission to the Reparation Commission created by the German treaty. She agrees to return to Greece, Rumania and Jugoslavia the records, archives and articles of historical and artistic value taken from these countries during the war, likewise all live stock taken from them. As special compensation for the destruction of the Serbian coal mines, Bulgaria for five years is to deliver fifty thousand tons of coal to Jugoslavia. The **financial clauses** are similar to those of the Austrian treaty and provide that priority in the charges against assets of Bulgaria for reparation shall be given to the cost of all armies of occupation and to the services of the external pre-war Ottoman public debt. Bulgaria renounces the benefits of the Bucharest and Brest-Litovsk treaties and agrees to surrender moneys and securities received under them. After protest and delay the treaty was signed at Neuilly on November 27 by M. Stamboulinski, Premier of Bulgaria, and by rep-

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resentatives of the Allied and Associated Powers. Serbia and Rumania did not sign, not being permitted to do so because of their failure to approve the Austrian treaty on the ground that its provisions for the protection of religious, racial and linguistic minorities interfered with their internal affairs. Later, in November, both treaties were signed by these two states.—While the Conference was engaged in making peace with Austria and Bulgaria it was nettled by the **aggressive attitude of Rumania.** Dissatisfied with her western boundary as arranged by the Conference, Rumania in the summer of 1919 sent troops to the river Theiss to establish boundaries in keeping with her national aspirations; a note from the Supreme Council enjoining her from activity in this region was ignored. Emboldened by success, the Rumanians advanced beyond the Theiss, and on August 4 occupied Budapest, contrary to the explicit commands of the Peace Conference. Immediately afterward the Rumanian commander served the Hungarian governor with an ultimatum in which he demanded the reduction of the Hungarian army to 15,000 men; the surrender of 30 per cent of harvest animals and farm machinery and 50 per cent of railway supplies; a large proportion of the Danube shipping; and equipment, supplies and rations for an army of 300,000. These demands were in excess of the armistice conditions imposed by the Allies and accepted by Austria-Hungary. Apparently vexed, the Conference on August 6 in an **ultimatum** informed Rumania that retaliatory measures would be taken if requisitions were made on Hungary, and that these measures would take the form of a deduction of such requisitions from her reparation account under the German and Austrian treaties. She was further informed that the fixing of the amount of reparation that Hungary must pay as well as its distribution were matters for the common administration of the Allies and not for Rumania alone; that Rumania's ultimatum, therefore, was invalid and as such was to be ignored by Hungary. Publication of this note was prevented by the Rumanian authorities both at Budapest and Bucharest. It was followed during August and September by **other ultimata** to no avail; in mid-October still another ultimatum was despatched in which the Bucharest government was called upon to remove its troops from Hungary and to cease further effort to obtain more territory than that already assigned to her; threat of reducing her share of the indemnity was again made. Receiving no reply, Paris on November 3 sent another note, to which Rumania replied evasively. Meanwhile the situation was further complicated by Rumania's annexation of the province of Bessarabia despite the warnings of the Conference of the serious consequences which such action might entail. The previous demands of the Conference were renewed in notes despatched on November 15 and 20. No reply being received to either of these communications, the Supreme Council on Decem-

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ber 3 issued another ultimatum reviewing Rumania's repeated failure to comply with the Allied desires in various matters involved, and stating that unless a full and satisfactory reply was made within six days thereafter, diplomatic relations would be severed. As a result, Rumania on December 10 signed the Austrian and Bulgarian treaties as well as the special minorities treaty prepared for her; at this time she also indicated her willingness to withdraw her troops from Hungary to the boundary lines established by the Peace Conference, but this was not accomplished until February 25.—After approximately fourteen months had elapsed from the date of the original armistice, formal **peace with Germany** was concluded on January 10, when representatives of fourteen Allied and Associated states, *viz.*, France, Great Britain, Italy, Japan, Belgium, Bolivia, Brazil, Guatemala, Panama, Peru, Poland, Siam, Czechoslovakia and Uruguay, on the one hand, and Germany on the other, exchanged **ratifications of the Treaty of Versailles.** At the same time a protocol embodying an agreement on the part of Germany to turn over to the Allies 275,000 tons of floating docks, dredges and other maritime equipment, as reparation for the scuttling of the German ships at Scapa Flow, was signed. By ratification the fifty-one inter-allied commissions created under the treaty (see last RECORD, pp. 42-65) were brought into operation.—The **treaty with Hungary,** which was delayed for three months, awaiting the establishment of a stable and representative government, was delivered to the Hungarian delegation, headed by Count Apponyi, on January 15. As originally drafted it provided that Hungary should formally waive claim to Fiume and to all former Austro-Hungarian territory awarded to Italy, Rumania, Jugoslavia and Czechoslovakia; that she should adhere to the clauses of the Austrian treaty concerning national minorities; that her army should not exceed 35,000 men, with guns of not more than ten centimeter calibre and heavy guns not larger than 105 millimeter bore; that she should assume a proportional share of the Austro-Hungarian debt; place no restriction upon the export of foodstuffs into Austria; and insure to Austrian purchasers terms as favorable as those given to Hungarians. The remaining clauses of the treaty were similar to those of the treaty of St. Germain. So bitter were the denunciations of the treaty in Hungary, and so determined were the Hungarians that they would not accept it as drafted, that it was reconsidered by the Supreme Council. The **revised document,** however, granted only a few economic concessions, and the territorial clauses, against which such vigorous protest had been made, were unchanged. Although its drastic terms were deplored, the treaty was signed at Paris on June 4 by the Hungarian plenipotentiaries and the Allied representatives.—Even while the treaties of peace were being formulated the Peace Conference necessarily concerned itself with other

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matters which pressed for settlement.—On October 11 it decided to grant the request on behalf of Admiral Kolchak and General Denikine that Russian war material captured by the German army be turned over to them for the use of their armies. The Interallied Commission of Control was directed to supervise the execution of this measure. On October 16 the Supreme Council invited Germany and the Baltic states to join in a **blockade of Soviet Russia.** Germany declined to participate on the ground that such action would not destroy Bolshevism but rather would lead to opposition in Russia. To adjust the German-Russian embroglio in the Baltic region the Conference appointed the **Allied Commission to Supervise the Evacuation of the Baltic Provinces,** whose members went to Berlin early in November to confer with the German government concerning the withdrawal of General von der Goltz's troops; it then proceeded to Riga where it succeeded in accomplishing its purpose (see *infra*, p. 15).—On November 21 **Eastern Galicia was given to Poland** for a period of twenty-five years (subsequently modified, see *infra*, p. 127). The text of the agreement granting Norway political suzerainty over the **Spitzbergen Archipelago** was approved on the same date.—Early in December a treaty draft adjusting the boundary between Poland and Czecho-slovakia met with the approval of the Supreme Council.—A virtual confession that the **cordon sanitaire** policy (see last RECORD, p. 124) had been a failure was made on January 16 when the Supreme Council announced that the Russian blockade would be raised and **trade relations reestablished;** in doing this, however, the Council emphatically denied any intention of recognizing the Soviet government. —On January 21 the Peace Conference closed its long and historic sessions, although many insistent problems awaited solution, among them the Adriatic question including Fiume, the final disposition of Dalmatia, Albania and Thrace, concluding peace with Hungary and Turkey, and enforcement of the treaty arrangements already executed. To provide for these and related problems a **Council of Ambassadors** and a **Council of Premiers** were established, the former to deal with all routine matters of peace and empowered to control the execution of peace treaties, the latter to consider all large issues of international policy and formulate principles governing questions of immediate concern. In character the Council of Ambassadors became the successor of the Peace Conference, while the Council of Premiers was a new appellation given to the Supreme Council.—One of the problems before the Council of Ambassadors at its first meeting on January 26 was the **extradition of the ex-Kaiser.** The demand of the Supreme Council, under date of January 15, that the former Emperor of Germany be surrendered to the Allies for trial, in accordance with the Versailles Treaty, met with a firm refusal by Holland on the ground of the international law of asylum for polit-

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ical refugees. The Council decided, nevertheless, to press its demand, and, on February 14, another note was addressed to the Dutch government intimating, however, that if Holland would agree to intern William and be responsible for his acts, the Allies would not insist upon his surrender. On March 5 Holland, while reiterating opposition to extradition, agreed to take necessary precaution to prevent the ex-Kaiser from endangering the world's peace. The "solemn farce" was terminated on March 31 when the proposal of the Dutch government was accepted by the Powers. In this same connection the Council of Premiers on February 7 handed to Herr Bauer, German Premier, a demand that Germany sanction extradition of 890 German nationals charged with being war criminals; of the number 97 were listed by Great Britain, 334 by France, 29 by Italy, 334 by Belgium, 51 by Poland, 41 by Rumania and 4 by Jugoslavia; Japan asked no extraditions, nor did the United States. After considerable diplomatic parley the Allies finally consented to abandon the plan for extradition and accept the German proposal made on January 25 that those accused be tried by the German Federal Court at Leipsig, and, accordingly, early in March the Interallied Justice Committee selected some forty-six names, against which the evidence was most conclusive, and transmitted them to Berlin; the Allies retained the right to order a retrial or to hold such retrial themselves, if they considered the verdict unjust. In debate on the Leipsig trials, before the German National Assembly, Foreign Minister Müller disclosed the fact that Germany had prepared a similar list of Entente "war culprits", but declared the names would not be published for the reason that in war all belligerents revert to "swinishness and crime".—The knotty **Adriatic problem** (see last RECORD, p. 118), which the Peace Conference had failed to adjust, passed as a heritage to the Council of Ambassadors. After D'Annunzio's *coup* the Conference desired apparently to leave solution of the question in so far as possible to Italy. The Italian government, however, made little progress in ousting D'Annunzio or arriving at a settlement with Jugoslavia. Early in November Premier Nitti and Foreign Minister Tittoni transmitted to President Wilson the **maximum concessions** which Italy would make, *viz.*, that Italy should receive that part of the Istrian peninsula bounded by a line running from Velossa through the Alps to Mount Maggiore and thence to Fisnona; that Fiume with the surrounding territory to the north, together with part of the islands in the Gulf of Quarnero, should become a buffer state with special status, Italy to have no jurisdiction over its foreign affairs but the Italian population in this state to be recognized and safeguarded; that the city of Fiume, within the buffer state of the same name, should be free and be directly connected with the Italian province of Istria by the annexation to Italy of a narrow strip of land along the coast from Fiume to

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Volosca; and that Zara should be a free city, represented in its foreign affairs by Italy. President Wilson did not endorse this scheme, and the matter was further considered at an **important conference** held in London during December; at this time a memorandum was prepared in collaboration by representatives of France, Great Britain and the United States, and delivered to Signor Scialoza, Italian Foreign Minister, on December 13, which outlined the Adriatic matter by providing for a free buffer state of Fiume under the League of Nations, the city of Zara, on condition that it become a member of the Jugoslav Customs Union, to be sovereign under the authority of the League of Nations; the Pelagosa, Lissa, Lussin and Unie islands to be demilitarized and transferred in full sovereignty to Italy; the independent state of Albania, except for certain defined regions to be occupied by Greece, to be administered by Italy as a mandate from the League of Nations; the city of Valona, with hinterland strictly necessary to its defense and its economic development, to be assigned to Italy in full sovereignty. All other demands of Italy were rejected. Following this conference on January 6 it appears that the Italian government requested that the Treaty of London be fulfilled; to obviate any difficulties, however, Signor Nitti indicated to Mr. Lloyd George that a compromise would be acceptable. This necessitated **another conference,** which took place in Paris during January, at which the United States was not represented; at this time the December arrangement was so modified that the free buffer state was eliminated and the Istrian boundary line, as established by President Wilson, was disregarded in favor of Italy; Fiume was to be an independent city under the League of Nations but joined to Istrian Italy by a narrow strip of territory along the coast, and given the right to choose its own diplomatic representatives; the city of Sussak was to go to Jugoslavia, but all port and transportation facilities were to be administered by the League of Nations, the League to make such arrangements as it might deem necessary for the interests of Jugoslavia, Hungary, Transylvania and the city itself; Zara was to be an independent state under the guarantee of the League of Nations, with the right to choose its own diplomatic representatives; special provisions were to be made in order to permit the Italians of Dalmatia to vote for Italian nationality without leaving the country; and economic enterprises existing in Dalmatia were to have their security safeguarded by an international convention. The other provisions of the plan were substantially the same as those of the December conference. The Premiers of France and Great Britain in transmitting this agreement to Jugoslavia gave her the alternative of accepting it or the Treaty of London. The Belgrade government in its reply expressed its willingness to accept the proposed plan in its larger part, but refused to consent to any change in the frontier as outlined by

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President Wilson. The Premiers declared the Jugoslav reply to be inconclusive and instructed the Belgrade government to state definitely before January 24 whether or not it accepted the conference agreement as submitted. The second reply of Jugoslavia, although conciliatory in language, was virtually an ultimatum rejecting the January proposals. At this point the Peace Conference as such terminated its work, and the question passed to the Council of Premiers; that body in a communication to the Jugoslav government on February 12 insisted upon the acceptance of the Franco-British proposals without change or, in lieu thereof, the Treaty of London. Two days later President Wilson in identical notes warned the British, French and Italian governments that if the Adriatic problem was settled in the manner proposed without the concurrence of Washington, the United States would seriously consider withdrawal from all participation in European affairs; he especially objected to giving the Jugoslavs a choice between the modified agreement and the London Pact and insisted that the plan of December 9 be carried out. This drastic action elicited a reply from the Premiers on February 17, in which they sought to defend the modified arrangement and earnestly appealed to President Wilson not to "wreck the whole machinery for dealing with international disputes" by withdrawing the cooperation of America. President Wilson, replying to this note on February 24, justified his objections to the modified agreement by declaring it to be in contradiction of the principles for which the war was fought; he suggested that new parleys take place between Italy and Jugoslavia with a view to finding a solution acceptable to both. The Allied Premiers' rejoinder, under date of February 27, offered to withdraw the proposals of December 9 and January 20 in order to facilitate such a solution. President Wilson refused to consent to the withdrawal of the earlier agreement or the application of the Treaty of London, on which, in case of a disagreement, the Allies insisted as an alternative. New negotiations, opened between Italy and Jugoslavia following President Wilson's appeal, came to naught when, on March 9, it was officially announced that Premier Nitti and Foreign Minister Trumbitch had found it impossible to reach an agreement. A further attempt to adjust the matter was made in May at an Italo-Jugoslav conference called at Pallanza; preliminary proposals gave promise of a speedy solution, but owning to a crisis in the Italian cabinet (see *infra*, p. 112) meetings were suspended, and the problem remained unsettled. — In the **settlement of the Turkish question** the Council of Premiers faced a series of problems, each beset with tremendous difficulties. Numerous internal disputes growing out of divergent national, racial, religious and political tendencies, as well as conflicting imperialistic claims, caused constant concern. The **Turkish peace treaty,** work on which began early in February, was not ready for presenta-

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tion to Tewfik Pasha, head of the Ottoman peace delegation, until May 11. By the terms of this treaty Constantinople, while left under the sovereignty of the Sultan, is to be permanently occupied by a small international force of Allied troops; similar control of the coastal areas, waters and navigation of the Dardanelles, the Sea of Marmora and the Bosphorus, with their approaches and the islands guarding the same, is to be placed under a **Straits Commission** appointed by the League of Nations and composed of British, French, Italian and Japanese representatives with two votes each, and of Greek and Rumanian representatives with one vote each. Provision is made for the future representation of Russia and the United States with two votes each and of Bulgaria with one vote. An international guard is provided for to garrison the straits, which are to be open in times of peace and war alike to all vessels of commerce or war without distinction of flag. These waters are not to be subject to blockade, and no act of war may be committed in them except in enforcing the decisions of the League of Nations. The Turkish army is limited to 35,000 men with an emergency increase of 15,000 in case of special necessity; of the total force not more than 2,500 may be officers serving for not less than 25 years; the others must serve for not less than 12 years. The Sultan may have a bodyguard of 700 men; maintenance of a fleet of military airplanes is forbidden; and all fortifications along the straits are to be destroyed. The drastic financial terms provide for an **International Finance Commission,** composed of representatives of France, Italy and Great Britain, with a Turk in a consultative capacity, to have complete power of final approval over all Turkish budgets, supervision over the execution of all Ottoman financial laws and the reformation of the Turkish monetary system. No loan, internal or external, can be contracted without the approval of this commission, which is also further empowered to fix the annual sum to be paid to the Allied nations by Turkey to cover the cost of occupation. All allied financial losses due to the war are to be admitted as liabilities by Turkey, as in the German and Austrian treaties. The treaty assures protection of minorities without distinction of birth, nationality, language or religion. All religious and political prisoners are to be released. Turkey is to submit her legal system to such alterations as may be required to make life in Turkey tolerable to foreigners; this new system will ultimately take the place of the capitulatory regime. Turks charged with war crimes are to be tried by Allied military tribunals; Turkey is required to hand over persons responsible for the massacres which have occurred since August, 1914, and they are to be tried by a League of Nations court or some similar tribunal. Territorially the Ottoman Empire of 1914 is dismembered; at the beginning of the World War it included in Europe 10,882 square miles with a population of 1,891,000; and with

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the Asiatic vilayets and sanjaks, a total area of 710,224 square miles with a population of 21,273,000. While the frontiers of the contracted empire are not entirely determined, the Peace Treaty reduces the area to less than 100,000 square miles and leaves a population of only 5,000,000, mostly Moslems. Briefly, Turkey is to cede Thrace, except the sanjak (district) of Chatalja and the Derkos water-supply area, to Greece, together with Tenedos and Imbros. She also recognizes as Greek those islands in the Aegean at present occupied by Greece; she is to abandon the administration of a considerable area in Asia Minor, comprising Smyrna, Tireh, Odemish, Magnisa, Akhissar, Berghama and Aivali, to Greece. The territory in question is to have a parliament of its own and may annex itself to Greece after five years by a plebiscite to be held after two years. Turkey is to recognize the **independence** of Armenia, Mesopotamia, Syria, Palestine and the Hedjaz, and is to confer autonomy on Kurdistan. The President of the United States is to be invited to lay down the future western frontier of Armenia somewhere within the vilayets of Trebizond. Syria, Mesopotamia and Palestine, the boundaries of which are to be determined by special commissions, are to be assisted by mandatary Powers not mentioned in the treaty. Turkey is to recognize the **French protectorates** over Tunisia and French Morocco, also the **Italian sovereignty** over Lybia, the Dodecanese and Castellorizo, and British sovereignty over Cyprus. Further, she is to recognize the **British protectorate** over Egypt and the Sudan and to cede to Great Britain the rights secured to the Porte in the Suez Canal Treaty of December 22, 1888. Great Britain will become responsible for the Turkish debts secured upon the tributes formerly payable by Egypt and Cyprus, which tributes now cease. Apparently both France and Italy relinquish claims to mandatary Powers over Cilicia and Adalia, retaining only special economic privileges. An **Interallied Commission of Control** at Constantinople, consisting of the representatives of the principal Allied Powers, will exercise supervision over the execution of the clauses of the treaty and, with the aid of interallied troops, enforce its terms. The treaty as drafted incorporates only part of the **recommendations** made by President Wilson in his note transmitted to the Premiers late in March. Among other things, he favored the expulsion of the Turkish government from Constantinople, giving the port of Trebizond to Armenia and Eastern Thrace to Greece; but he held that the cities of Adrianople and Kirk-Kelisse in Northern Thrace, with surrounding territory, belonged to Bulgaria on ethnical and historical grounds. The treaty has not as yet been signed. The Turks have expressed **keen dissatisfaction** with the treaty, but all pleas for concessions have thus far been rejected; the Nationalists under Mustapha Kemal Pasha (see *infra*, p. 146) have refused to submit to it in its present form. During May and early June the

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Nationalists, in control of Asiatic Turkey, drove the French to the coast of Cilicia and then marched to attack the Straits zone. So grave did the situation become that on June 21 the Premiers eagerly accepted the **proposal of M. Venizelos** that a Greek army, supported by French and British fleets, undertake the suppression of militant Turkey.—During April, May and June the Council of Premiers held a number of conferences at which questions affecting world peace were considered. The **first** of these took place at **San Remo** on April 18, where an attempt was made to reach a general agreement on the enforcement of the Versailles Treaty, the Turkish settlement and the Russian and Adriatic problems. The French occupation of the German towns to the east of Mayence, as a guarantee of the withdrawal of the German troops from the Ruhr district (see *infra*, p. 118), and the general apprehension among certain French leaders that England did not intend to enforce the terms of the Peace Treaty, caused a rift in Anglo-French relations which had scarcely been healed by a rapid-fire exchange of diplomatic notes between Paris and London when the conference convened. In regard to the Versailles Treaty **three policies** were advocated: that of the French for the thoroughgoing application of the treaty, that of the Italians for virtual revision and that of Mr. Lloyd George, who stood for adapting policy to the changing situation. Finally, after heated argument the conference came to an understanding, its decisions being embodied in a note to Germany insisting upon disarmament, warning against continued infractions of the treaty, disclaiming intention to annex any portion of German territory and inviting Germany to send representatives to an economic conference with the Allies. The request of Germany for permission to maintain a permanent army of 200,000 men was not granted, and the question of reparation was left unsettled. In regard to the Turkish settlement, the details embodied in the treaty (see *supra*, p. 9) were agreed upon. Great Britain was made the mandatary for Mesopotamia and Palestine, and France the mandatary for Syria; following a statement of the League of Nations of its inability to accept responsibility for Armenia, a mandate for that country was tendered to the United States. Pledges were given to the Zionists that in place of the military administration of Palestine, which had been so irksome to the Jews in the past, sympathetic civil rule would be substituted. The Russian problem was adjusted tentatively by instructing the executive of the Supreme Economic Council to negotiate with the Soviet representative, M. Krassin, for commercial arrangements. At the request of the Italo-Jugoslav representatives, the Premiers decided to leave the Adriatic dispute to the two nations interested. A **second conference**, arranged by Premier Millerand and Mr. Lloyd George, was held at **Hythe**, England, on May 15 for the purpose of arranging the program for a conference to be held at Spa, Belgium,

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to which the German Chancellor had been invited. The results of the meeting, briefly, were: determination to enforce the treaty in all its details, especially the disarmament clauses; provisional agreement that the total amount of reparation to be exacted from Germany be fixed in a lump sum, experts to determine the mode of payment and the exact amount; tentative agreement that the payment of the Allied indebtedness to Great Britain be made subordinate to Germany's indemnity payments. The proposal to fix definitely the total amount of reparation had been vigorously opposed by M. Millerand at San Remo. Having failed to agree entirely upon a common program, **another conference** was held at **Hythe,** June 20; this was attended by the French, British and Greek Premiers. At this meeting the Turkish situation was carefully discussed and the question of German reparation again considered. Greece was given a free hand to deal with the Turkish Nationalists, and a partial reparation agreement was reached. This conference, however, was preliminary to another which convened at **Boulogne,** on June 21, and at which not only France, Great Britain and Greece, but Italy, Japan and Belgium were represented. Only one tangible result was accomplished, approval of war against the Turkish Nationalists. Most of the 25-hour session was spent in discussing the baffling question of the German indemnity, not only the amount to be assessed and the manner of payment, but also its division among the powers. In an effort to adjust the entire matter satisfactorily a **financial conference** was summoned to meet at Brussels on July 2.

II. THE LEAGUE OF NATIONS

The **League of Nations** came into being officially on January 10 with the ratifications of the Treaty of Versailles. Of the nations eligible for membership only three—Honduras, Costa Rica and the United States—remain outside the organization. The **first meeting** of the Council of the League was held in Paris on January 16; the formal call issued by President Wilson on January 12 and addressed to the governments of Great Britain, France, Italy, Japan, Belgium, Brazil and Spain, was not sent to Greece nor to the United States, neither having ratified the Peace Treaty. The first conference was presided over by M. Bourgeois, the French representative; the significance of the League was emphasized, and regret expressed that the United States was not represented; the naming of the Saar Basin Frontier Commission was the first business transacted. At the **second meeting,** held in London on February 11, regret was again expressed at America's non-representation; the Council accepted Switzerland's accession to the League, adopted the rules of procedure of the Council, appointed the **Saar Basin Governing Commission,** named Sir Reginald Tower as High Commissioner of Danzig, accepted the obligation

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offered in the Polish treaty for the protection of minorities, approved plans for the organization of the **Permanent Court of International Justice** (Article XIV of the League Covenant), for freedom of communication and transit, for the **International Health Office** and summoned the **International Financial Conference.** The Council held its **third meeting** at Paris on March 13, when it approved plans for sending a **League Commission of Inquiry** to Russia and took the first steps towards the prevention of typhus in Poland. Two important decisions were reached at the **fourth meeting** of the Council, which was held in the Luxembourg Palace on April 9-10. The request of the Supreme Council that the League take a **mandate for Armenia** was refused on account of lack of necessary force to administer the territory directly; the Council expressed the League's willingness to assume a general oversight of the racial minorities in Turkey as far as possible. The **fifth meeting** of the Council took place in Rome on May 14-16. Thirty-six states were represented, and arrangements were made for the calling of a general assembly of all member nations of the League; plans were approved for the accession of new states, and new treaties were registered; a **Permanent Armaments Commission** was constituted, and an **International Statistics Commission** was appointed. Reports were made on freedom of communication and transit, the repatriation of ex-enemy prisoners in Siberia, Central European relief, typhus in Poland and the **Washington Labor Conference.** On June 14 the **sixth meeting** of the Council convened in London to consider the request of Persia for **League intervention** against Russian Soviet aggression; awaiting "the march of events", the Council postponed decision. The **permanent secretariat,** including, in addition to Sir Eric Drummond, a trained international staff chosen more for special knowledge than for nationality and intrusted with the work of gathering information, preparing plans and carrying out recommendations, was organized during the past year, and its membership has been increased to approximately 100. It is located temporarily in London and is divided into sections corresponding with its work as follows: Legal Mandates, International Health, Transit, International Bureaus, Political-Administrative Commissions, Economic, Public Information and Financial. The **Court of International Justice** is now (July 1, 1920) being organized by twelve famous jurists, *viz.*, Elihu Root of the United States, Akidzuki of Japan, Altimira of Spain, Devilaqua of Brazil, Deschamps of Belgium, Drago of Argentine, Fadda of Italy, Fromageot of France, Fram of Norway, Loder of Holland, Phillimore of Great Britain and Vesintch of Jugoslavia. In February the League began publication of an official journal containing the Covenant, minutes of council meetings and other records. A budget has been prepared, providing for $600,000 for the organization period through March, 1920, and about $2,500,000 for the first fiscal year, to be contributed by the member nations.

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III. INTERNATIONAL RELATIONS

EUROPEAN, ASIATIC AND AFRICAN RELATIONS.—International relations for the past year have for the most part been concerned with questions growing out of **three major problems,** peace settlements, reconstruction and imperialism, all of which are directly traceable to the war and its aftermath. — The **treaties of alliance** between France and Great Britain and between France and the United States, which were concluded at Versailles on June 28, 1919, at the urgent request of M. Clemenceau, were approved by the British government in July and by the French government in October. By their provisions Great Britain and the United States guarantee to render military assistance to France in case of unprovoked aggression by Germany in violation of the Peace Treaty; no aid is to be given should France become involved with any other nation, and France is under no obligation to come to the assistance of either of the guarantors. The treaties are interdependent, neither coming into force until both are ratified, and both must be submitted to the Council of the League of Nations for recognition. The treaty has not been officially approved or ratified by the United States Senate.—**Strained relations between China and Japan** have continued. The emphatic assurances given by the Japanese representatives at the Peace Conference that the Shantung territory would be returned within a reasonable time were declared by the Chinese and their friends to be idle promises. They insisted that Japan should officially put herself on record in the matter, and finally, on August 3, Viscount Uchida, Japanese Minister of Foreign Affairs, issued a statement denying that Japan claimed any territorial rights in China. Japan's intention "to hand back Shantung in full sovereignty to China, retaining only economic privileges" was conditioned only by such future arrangements as the two states might arrive at in pursuance of the secret treaty of 1915. Immediately following this statement President Wilson publicly asserted that at Paris he had explicitly repudiated any form of acquiescence to the pact of 1915, and that the oral promise of Japan was in no way dependent upon the execution of the 1915 agreement. Soon afterward Chinese societies in the United States made a formal reply to Viscount Uchida, pointing out that a return of sovereignty without an accompanying return of economic rights was meaningless and that full and unconditional surrender of the territory involved was demanded. A similar view was expressed by Dr. E. T. Williams, technical adviser on Far Eastern matters at the Peace Conference, in testimony given on August 22 before the Foreign Relations Committee of the United States Senate. Late in August Japan took over the German and Austrian properties at Tsing-tao. On January 25 the Japanese Foreign Office again reiterated Japan's intention to withdraw and instructed her minister at Pekin to make overtures to the

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Chinese government for an adjustment. The problem is still unsettled. Viscount Kato, former Japanese Minister of Foreign Affairs, declared on September 19 that Japan would never consent to abandon her preferential rights in Manchuria and Mongolia.—The text of the **secret treaty** concluded **between Great Britain and Persia** on August 9, 1919, was made public on September 19. By its terms Great Britain makes a 20-year loan to Persia of £2,000,000 at 7 per cent, which is to have precedence over all other debts of Persia with the exception of a former British loan of £1,250,000 made on May 8, 1911. As a guarantee Persia pledges her customs receipts. Great Britain also agrees to supply, at Persian expense, expert advisers, military officers, munitions and such other equipment as may be necessary for the formation of an army to preserve order in Persia and along her borders. The treaty is accompanied by two letters written by the British Minister at Teheran to the Persian Prime Minister; both of these indicate the intention of Great Britain to assist Persia in obtaining her war claims and establishing boundary lines. There is a further stipulation that Great Britain will make no charge for troops sent to the aid of Persia during the war; Persia, on the other hand, is not to demand indemnity for damage caused by them. This treaty was objected to by the State Department of the United States on the ground that it violated the principles underlying the League of Nations. Great Britain has officially denied that she designs to make a protectorate of Persia and claims that her policy is one of gratuitous assistance. A similar assertion was made by the Persian Foreign Minister, Prince Firuz, on October 11.—The **international situation** during October, November and December became **more confused** by the course of events in the Baltic states. At the urgent request of the Letts and with the approval of the Allies, German troops had remained in this region after the signing of the armistice, avowedly to check the westward advance of Bolshevism; in this capacity they rendered valuable service, but it became apparent during August and September that they, in league with the **Baltic barons,** were working to the detriment of the majority of the Baltic peoples, and for this reason their withdrawal was demanded. After considerable correspondence had been exchanged between the Supreme Council and the German government, an Interallied Commission under General Niessel was sent late in October to supervise the German evacuation and restore order, with the result that by the end of December the provinces had been freed of German domination.—An **important diplomatic disclosure** was made on December 21 when M. Barrére, former French Ambassador to Italy, stated that in 1900 and 1902 he had negotiated **defensive treaties** with Italy **which nullified the Triple Alliance.** According to his statement the treaty of 1900 eliminated every cause of conflict in the Mediterranean and outlined the Italo-French spheres of influ-

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ence in Africa. The amendatory treaty of 1902 stipulated that in case of aggressive war against either France or Italy the other would observe the strictest neutrality.—**Another sensational diplomatic disclosure** was made by M. Kerensky in Paris during March when he revealed a secret agreement made between Great Britain, France and Russia in 1917, just before the outbreak of the Russian Revolution, which provided that in case of an Allied victory Russia was to have all of Poland and be given full liberty in determining her western frontier. Alsace-Lorraine was to be restored to France, and all the metallurgic fields of Lorraine as well as the coal basin of the valley of the Saar were to be included in French territory; the other territories on the left bank of the Rhine were to be formed into an autonomous and neutral state to be politically and economically independent of Germany and to be occupied by French troops until Germany had fulfilled the conditions of peace. — On December 1 the Spanish government vigorously denied Portugal's claim to the frontier town of Olivenza. By treaty arrangements of the year 1815 the town was assigned to Portugal, but Spain has never relinquished possession of it.—The **Spitzbergen Archipelago** was placed under the sovereignty of Norway by the Peace Conference by an **international treaty** to that effect, signed on February 20 by representatives of Denmark, France, Italy, Japan, Norway, Holland, Sweden, Great Britain and the United States. By the terms of this treaty all private interests then existing in Spitzbergen will remain intact, and provision is made for the free entry of any foreign enterprise that may desire to take part in developing the resources of the islands. — In March the **Belgian and Dutch governments ratified a treaty** for the settlement of questions involving the international boundary and waterways, particularly the Scheldt.—By a decision of the Supreme Council, made public early in March, **German East Africa** has ben **divided** between Great Britain and Belgium; of the total area of 384,000 square miles Great Britain received 366,000; the two northwestern provinces of Ruanda and Urundi were assigned to Belgium. Theoretically these assignments were made under the **mandatary system.** Likewise **Cameroon** and **Togoland,** former German possessions, have been divided between Great Britain and France as mandataries. — By an Anglo-French agreement under date of September 15 **Syria** was **allotted to France,** but the **British retained Palestine** and the Mosul district. Cilicia was to be occupied by the French, but they were to abandon Damascus, Hama, Homs and Aleppo, these cities having previously been promised by Great Britain to the **Kingdom of the Hedjaz.** The Allies were placed in an embarrassing position when these cities were later claimed by France; the rival claims were partially adjusted at the San Remo Conference (see *supra*, p. 11), but further adjustment is probable.—Several conferences of the Baltic states have occurred during the year.

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AMERICAN RELATIONS.—The three-cornered **dispute between Chile, Peru and Bolivia** concerning the ownership of the provinces of Tacna and Arica (see last RECORD, p. 70) is as yet unsettled. Official advices received at Washington on November 4 stated that Chile had given Bolivia an outlet to the ocean by ceding a strip of territory north of the province of Arica; the Bolivian legation, however, discredited this report. Late in January the Peruvian National Assembly adopted a resolution for submission of the question to the Council of the League of Nations; this move was opposed by Chile. On February 13 Bolivia was reported to have laid claim to a port town in the Arican province; this brought an immediate protest from the Peruvian government, which, in a note expressing "surprise and disillusionment" at the action of Bolivia, declared it would never relinquish its title to the territory. So tense did the situation become that an infuriated **mob attacked the Peruvian legation** in La Paz, the Bolivian capital; war was averted, however, by urgent representations to Bolivia and Chile by the United States; Brazil offered her services as a friendly arbitrator.—A number of important international agreements have been completed during the past twelve months: an **arbitration convention** between the **United States and the Netherlands,** extending for a period of five years, was ratified on August 22; three days later, ratifications of the **Commercial Travelers Convention** between the United States and Guatemala were exchanged. By an act of September 10 the Brazilian Congress approved the **treaty of extradition** concluded between Bolivia and Brazil on June 3, 1919. On November 18 a **treaty of friendship, commerce and navigation** was arranged between Paraguay and Japan, by which citizens and subjects of the contracting countries are to enjoy the same rights, liberties and privileges as those of most-favored nations. A **treaty of reciprocity** for indemnity against accident to workmen was made at Buenos Aires on November 27 between Spain and the Argentine Republic. The first **commercial treaty** in which China made no extraterritorial concessions was signed early in April between Bolivia and China.—By a proposal of the Salvador Congress under date of April 9 the United States would be excluded from a suggested Latin-American **arbitration court** in place of the Pan-American Union, the Central American Court of Justice and the International Bureau.—An important meeting of the **Pan-American Financial Congress** convened in New York City on January 19, and in protest against statements relative to the policies employed by the Mexican government, the representatives of that country withdrew from the conference.—Charges and countercharges of outrages and illegal practices, border difficulties and threatening notes have resulted in more or less **strained relations between Mexico and the United States** during the year. On August 1 **President Carranza** bitterly **assailed the oil interests** and asserted that they

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were endeavoring to embroil the United States with Mexico; he explicitly stated that the Mexican government was not hostile to the petroleum interests or any form of foreign investment in so far as such interests conformed to the Mexican laws. The **United States Senate** on August 8 **adopted a resolution** directing the Foreign Relations Committee to appoint a sub-committee to make a complete investigation of the Mexican situation and suggest a solution of the same. A few days later the Mexican government was warned by the State Department of the United States that unless steps were immediately taken to prevent outrages against American citizens in Mexico, the United States government would be compelled "to adopt a radical change in its policy". Less than a week elapsed before two American army aviators, P. H. Davis and Harold G. Peterson, while patroling the Texas border, were captured by Mexican bandits and held under threat of death for a ransom of $15,000. This amount was furnished by the United States military authorities on promise of reimbursement by the Carranza government. A punitive expedition sent in pursuit of the bandits was unsuccessful. A **diplomatic rupture** was narrowly averted on October 19, when William O. Jenkins, American consular agent at Puebla, was reported to have been kidnapped by bandits and held for $15,000 ransom; upon his release, after a large portion of this sum had been paid, he was at once placed under arrest by Puebla officials on a charge of having been implicated in his own abduction, and, failing to furnish bail, was lodged in jail. In reply to a vigorous note from the United States State Department under date of November 20, demanding the immediate release of Jenkins, the Mexican government declared it could not release a foreigner on trial before a state tribunal. On December 1 Secretary Lansing reiterated the demand for the immediate release of Jenkins. The situation was relieved on December 4, when Jenkins was released on bail, but the Mexican government on December 16 denied the power of the United States State Department to determine the innocence or guilt of the accused. It was announced on December 24 that beginning January 1, 1920, a strict embargo on arms and ammunition would be enforced by the State Department. During the winter frequent acts of banditry continued, among them border raids and the capture of Joseph Williams, who, on March 4, was taken from a train which had been wrecked by a Villa band. In March the Mexican Foreign Office announced that an association of Mexicans and Americans were engaged in the business of directing raids and kidnapping expeditions on the border. While a great mass of testimony was taken by the United States Senate Foreign Relations Sub-Committee, headed by Senator Fall of New Mexico, no official solution of the Mexican problem has been announced.

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IV. THE INTERNATIONAL FOOD PROBLEM

The **famine conditions,** due to underproduction and lack of adequate transportation facilities, so prevalent last year in many parts of the eastern hemisphere, especially in Europe, were greatly ameliorated during the period under review. Nevertheless Poland, Austria, Armenia, parts of Russia, Hungary, Italy and Czechoslovakia suffered from hunger and other privations. Urgent appeals for aid by the inhabitants of Poland, Austria and Armenia were made during November and December. On January 4 the **American Red Cross** announced that out of a fund of $30,000,000 available for its work in 1920, it had set aside $15,000,000 for European relief and $1,250,000 to complete its program in Siberia. In discussing the financial needs of Europe Mr. **Herbert C. Hoover** on January 7 emphatically declared that outside of some dozen cities in central and southern Europe and in Armenia, Europe could feed itself. He also pointed out that the American people were spending $7,000,000 a month in feeding 3,000,000 children and fighting disease in impoverished Europe. He gave utterance to the same statements when he appeared before the Ways and Means Committee of the United States House of Representatives on January 12 to endorse the recommendation of Secretary of the Treasury Glass that the House appropriate $150,000,000 for European relief. Mr. Hoover was of the opinion that by granting such aid to the starving cities of central Europe the United States would "build up security for its $10,000,000,000 lent abroad". After a delay of seven weeks the House, by a vote of 283 to 12, authorized the United States Grain Corporation to sell 5,000,000 barrels of surplus flour to Poland, Austria and Armenia for "cash or credit". The work of the American Relief Administration was facilitated by the **"food-draft-warehouse"** plan. Warehouses were established in European cities where distress was particularly acute and orders on these warehouses sold in the form of food drafts. Statistics show that from December 1, 1918, to June 30, 1919, some 3,219,796 metric tons of food had been delivered to 21 localities as follows: Finland, 123,338 tons; Esthonia, 14,065 tons; Latvia, 4,716 tons; Lithuania, 2,137 tons; Poland, 312,565 tons; Germany, 778,924 tons; Holland, 24,552 tons; Denmark, 19,942 tons; Belgium, 748,429 tons; northern France, 88,338 tons; Czechoslovakia, 323,803 tons; Austria, 371,101 tons; Hungary, 633 tons; Jugoslavia, 89,442 tons; Italy, 15,034 tons; Rumania, 216,666 tons; Bulgaria, 22,831 tons; Turkey, 14,458 tons; Armenia, 31,060 tons; Russia, 15,077 tons; Russian prisons in Germany, 2,685 tons. Shipments from America included 2,133,874 tons of breadstuffs; 81,564 tons of beans and peas; 111,847 tons of rice; 288,300 tons of meats and fats; 71,360 tons of milk; 62,146 tons of cocoa and sugar; 30,063 tons of cloth; 450,642 tons of miscellaneous supplies. The total value amounted to $770,-

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795,000. The work of the Supreme Council of Supply and Relief has practically terminated.

V. WORLD LABOR AND INTERNATIONAL CONGRESSES

At the Congress of the **International Trades Union Federation,** held at Amsterdam during the first weeks of August, 1919, resolutions were adopted urging that the blockade against Russia and Hungary be lifted and that industry be socialized. Regret was expressed at the failure of the labor convention of the Peace Treaty to correspond with the Berne program (see last RECORD, p. 72); the latter program was repudiated by Samuel Gompers, President of the American Federation of Labor. A resolution favoring the League of Nations declared it should be founded on the will and cooperation of all people. — While this Congress was still in session the **International Socialist Conference** opened at Lucerne. Entente support of Admiral Kolchak, head of the All-Russian government (see *infra*, p. 121), was condemned. The Conference seemed to entertain little hope of merging the Second and Third Internationalist organizations; the former, it was pointed out, aimed at a revolution by the majority in conformity with democratic principles, while the latter advocated immediate revolution by a minority. Revision of the peace treaty with Germany was also urged.—The **International Association of Industrial Accident Boards** held its sixth annual meeting at Toronto, Canada, on September 23-26, 1919. Discussion centered on five main subjects: defects in compensation legislation, administrative questions with special reference to direct settlements, status of interstate commerce employees under compensation, medical service and methods of improvement, and accident and insurance statistics. — The first **International Congress of Working Women** convened at Washington on October 28; twelve nations were represented. The subjects discussed included employment of women in hazardous occupations, particularly those which would injure their capacity for motherhood; prohibition of night work for men and women in all industries except those which require continuous operation by reason of public necessity; a 44-hour week; weekly rest of at least a day and a half; the non-employment of children under sixteen years of age and of minors at night in occupations injurious to their development. A resolution that one-half the delegates at the next International Labor Conference be women was approved.—The **first official International Labor Conference** held in accordance with the provisions of the Versailles Treaty met at Washington, October 29–November 29; delegates were present from forty-one countries, Mr. Samuel Gompers and Secretary of Labor Wilson representing the United States unofficially. At this Conference, presided over by Secretary Wilson, organization was perfected, a governing body created and an international labor office or

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bureau established. The governing body, of which Arthur Fontaine, director of the Labor Department of the French Ministry of Labor, is chairman, comprises 24 members, 12 representing various governments, 6, employers and 6, labor. European countries are represented by 20, and American countries by 4. Mr. Albert Thomas was chosen director general of the Labor Office. The Conference adopted 12 draft conventions for reference to member countries for enactment; these included: limitation of working hours for both sexes to eight hours daily and forty-eight hours weekly in mines, factories, building and transportation; elimination of unemployment by means of national systems of free public employment bureaus, prohibition of private fee-charging agencies, establishment of unemployment insurance, reservation of public works for periods of depression, and regulation of labor recruiting in one country by agents of another; protection of foreign workers and their right to organize on equal terms with natives; opportunity for women in industry to rest at least six weeks previous to and following childbirth, with free medical care and cash benefits during that period; prevention of occupational disease, such as anthrax, by disinfection of wool, and restriction against use of white phosphorus in manufacture of matches; provision against employment of women and persons under eighteen years of age in certain lead processes, others to be employed only under sanitary conditions; prohibition of industrial employment for children under fourteen years of age, except in India and Japan, where the age limit is twelve years, and regulation of industrial night work for those under eighteen years of age; and provision for efficient factory inspection, with the creation in each country of a government service to safeguard health of workers and to keep in touch with the International Labor Bureau. All the above are purely recommendations to the various nations without any authority except their own moral justice, and binding only when written into law by each nation's voluntary acceptance. During the entire Conference two impressions seemed to prevail: the more radical members believed that it should be the function of the Conference to set maximum standards toward which the various states were to aspire; other members believed it advisable to set up practicable standards which would be immediately attainable. — The first meeting of the **International Labor Bureau,** following the Washington Conference, was held in Paris on January 26-29, 1920; representatives of eleven governments, six delegates representing employers and six representing workers, were present. At this meeting the resolutions of the Washington Conference were legalized. Another meeting of the Bureau was held in London, March 23-25, at which the question of hygiene in industrial institutions was discussed. —The **General Council of the League of Red Cross Societies** met at Geneva on March 3; delegates from twenty-seven countries were in

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attendance. This congress was called to sanction the continuation of the work of the society in time of peace. — The **Eighth International Congress for Women's Suffrage** assembled at Geneva on June 6.

VI. THE UNITED STATES

THE ADMINISTRATION. — The year under review witnessed numerous **changes in President Wilson's cabinet.** On August 20 the Senate confirmed the nomination as Attorney General of A. Mitchell Palmer, who since March 5 had been serving under a recess appointment. To succeed William C. Redfield, who resigned November 1, President Wilson nominated as Secretary of Commerce, Joshua Willis Alexander, who took office on December 16. On January 31 David Franklin Houston succeeded Carter Glass as Secretary of the Treasury, the latter having been chosen Senator from Virginia. On the same day Edwin Thomas Meredith became Secretary of Agriculture, succeeding Mr. Houston. Franklin Knight Lane resigned as Secretary of the Interior on February 7. He was succeeded by John Barton Payne, chairman of the United States Shipping Board. On February 13, following correspondence with the President, who charged him with usurping executive power by calling cabinet meetings during the President's illness, Robert Lansing resigned the office of Secretary of State. Late in the month President Wilson nominated Bainbridge Colby of New York to succeed him.—From September 2 to April 14 the President was unable on account of illness to meet with his cabinet. — Frank Lyon Polk resigned on June 15 as Under-Secretary of State. He was succeeded by Norman Davis, who in November had succeeded Leo S. Rowe as Assistant Secretary of the Treasury. On June 9 it was announced that Nicholas Kelly would succeed Norman Davis as Assistant Secretary of the Treasury. On June 21 S. Parker Gilbert, Jr., was named as Assistant Secretary of the Treasury.—The appointment of William Martin Williams of Alabama to succeed Daniel Roper as **Commissioner of Internal Revenue** was announced on March 15. — On April 30, the President nominated Henry Jones Ford of Princeton and James Duncan of Quincy, Massachusetts, as members of the **Interstate Commerce Commission.** The Senate failed to confirm the nominations, and on June 9 the President tendered them and Mark W. Potter, recess appointments. — On December 18 the Senate confirmed the appointment of Nelson B. Gaskill to take the place of J. Franklin Fort, resigned, on the **Federal Trade Commission.** — On September 2 Henry A. Moehlenpah was nominated as a member of the **Federal Reserve Board.** — On August 5 Thomas A. Scott and Henry M. Robinson were appointed members of the **United States Shipping Board.**—In June, 1919, the **Federal Civil Service Commission** was completely reorganized. The three former commissioners resigned, and Martin L. Morrison and George R. Wales succeeded

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them. On March 22 the President appointed as the third member of the Commission Mrs. Helen Hamilton Gardener.—On August 1 F. W. Taussig resigned as chairman of the **United States Tariff Commission.** On May 6 the President nominated Samuel W. McCall of Massachusetts as a member of the Commission. The Senate failed to confirm the nomination, however, and on June 9, the President tendered Mr. McCall a recess appointment. — On November 12 John F. Kramer was appointed **National Prohibition Commissioner** in the Bureau of Internal Revenue.—On March 13 Col. W. B. Greeley was appointed **Chief Forester** to succeed Henry S. Graves.—On April 24 Walker D. Hines resigned as **Director General of Railroads,** to take effect May 15. — A number of important **changes** occurred in the **diplomatic service.** On September 10 the Senate confirmed the appointment of William E. Gonzales as **Ambassador to Peru.** On September 30 the President nominated Brand Whitlock to be the first **Ambassador to Belgium.** On February 12 William Phillips, Assistant Secretary of State, was chosen **Minister to the Netherlands.** Upon the resignation of Thomas Nelson Page the President nominated, on February 11, as **Ambassador to Italy,** Robert Underwood Johnson of New York. To succeed Dr. Paul S. Reinsch, who had resigned the post of **Minister to China,** Mr. Wilson nominated, late in February, Mr. Charles R. Crane of Chicago. On March 23 the President nominated Henry Morgenthau to succeed Henry P. Fletcher, resigned, as **Ambassador to Mexico.** On June 21 Edward Capps of New Jersey was tendered a recess appointment as **Minister to Greece.** The President, on January 21, reappointed as American **delegates to the Hague Tribunal** Judge George Gray of Delaware, Oscar S. Straus, Elihu Root and John Bassett Moore. — On December 20 the last of the members of the **American Peace Delegation,** Frank Polk, General Tasker H. Bliss and Mr. Henry White, returned to the United States. Since that date American interests in Paris have been in charge of Ambassador Wallace.—Although the United States has not officially made peace, numerous war agencies, created while the war was in progress, have been dissolved. This began shortly after the signing of the armistice in November, 1918 (see last RECORD, pp. 18-27). Some of these agencies have, however, been continued, though on a greatly diminished scale. The **United States Employment Service** was abandoned on October 10 because of a lack of funds (see last RECORD, p. 26). The Department of Labor, however, continued to supply information to state employment agencies. Late in September the War Department announced that the placing of soldiers had been practically completed.—Francis P. Garvin has continued to act as **Alien Property Custodian.**—When the strike of 400,000 bituminous coal miners threatened, late in October, the President revived the **Fuel Administration** and restored the regulations dealing with the fixing of coal prices at

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the mines and the fixing of dealers' commissions. These regulations were again administered by the Fuel Administrator, Harry A. Garfield. The appeal of President Wilson to the miners, urging them to rescind their strike order, having proved unsuccessful, Attorney General Palmer secured, on October 31, a temporary injunction from Judge Anderson of the U. S. District Court at Indianapolis, restraining the officers and leaders of the miners from sending out further strike orders and the officers of the United Mine Workers from disbursing union funds for strike benefits. Authority for the issuance of this injunction was derived from the Food and Fuel Control Act, which made it a penal offence to conspire to prevent the production of coal during the war. Nevertheless, on November 1, more than 400,000 miners quit work. A week later another injunction was obtained, ordering the officials of the miners' union to withdraw the previous strike order. This they did on November 11, but the men refused to return to the mines. The Secretary of Labor finally succeeded in bringing the parties together for a conference at Washington on November 14. The Government was represented by Secretary of Labor Wilson, Fuel Administrator Garfield, Attorney General Palmer and Director General Hines. The miners were represented by John L. Lewis, acting president of the United Mine Workers. During this and succeeding conferences it developed that the Fuel Administrator and the Secretary of Labor entertained different opinions relative to the conditions that should be offered the miners. The Secretary favored a wage increase of 31.6 per cent. Considering this excessive, the Fuel Administrator proposed a 14 per cent increase with the proviso that operators were not to increase the price of coal to meet the wage increase. On December 9 the President offered as a compromise an immediate increase in wages of 14 per cent and the establishment of a commission to consider further concessions—this commission to consist of three persons to represent, respectively, the miners, the operators and the general public. On the day following, a conference of the district representatives of the miners accepted these terms. Dr. Garfield, dissatisfied with the President's method of settling the strike, resigned on December 13. On December 22 the President named as members of the **Coal Strike Commission,** Henry M. Robinson, John P. White, former president of the United Mine Workers, and Rembrandt Peale, an independent coal operator. On March 11 the commission submitted a majority report in favor of a general wage increase of 27 per cent without any change in working hours and conditions. On March 29 the joint conference of miners and operators agreed that the award of the commission should become effective on April 1. Early in March the Operators' and Miners' Wage Scale Committee of the anthracite mine districts began negotiations for a new wage agreement. Early in June both sides agreed

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to the President's plan for the appointment of a commission similar to the bituminous coal commission. The President thereupon appointed William O. Thompson, President of Ohio State University, to represent the public, William L. Connell, an independent operator of Scranton, to represent the operators, and Neil Ferry, of the United Mine Workers, to represent the workers. The report is due in August.—On February 28 President Wilson issued an executive order providing for the continuation of the powers of the Fuel Administration, dividing them, however, between the Director General of Railroads and a commission of four. The government's control of bituminous prices was ordered to terminate on April 1.—The **Food Administration** came to an end early in 1919 (see last RECORD, p. 22). However, there remained in existence until June 1, 1920, the Sugar Equalization Board and the Grain Corporation, the chairman of which was Julius H. Barnes. — On August 23 the **American Relief Administration** closed its Paris Office, thus formally terminating its work. The feeding of 4,000,000 underfed children in various European countries continued to be carried on by a charitable organization formed by Mr. Hoover. During the six months of its existence, ending May 31, 1919, the American Relief Administration distributed supplies valued at over $800,000,000 in seventeen countries. — The **War Labor Board** (see last RECORD, p. 25) ended its existence on August 12 on account of lack of funds. During the fifteen months of its existence the board adjusted over 1,200 labor controversies.—In August President Wilson ordered the transfer of the records of the **Committee on Public Information** and of the **War Industries Board** to the Council of National Defense, to be catalogued and preserved for future emergencies. The annual report of the Council, issued in November, summarized the work accomplished since its organization in the winter of 1916. Its total cost was only $1,500,000. On February 18 Grosvenor B. Clarkson, director of the Council, resigned. — The **railroads** of the United States, which had been under government control since December 28, 1917, were, in accordance with the President's proclamation, returned to their owners on March 1, 1920. In many cases the same officials who had charge of the roads before the war again assumed control. The majority of employees found positions under the new regimes. The roads began their operation under private control under the provisions of the Esch-Cummins Law, signed by the President on February 28 (see *infra*, p. 54). According to official calculations, the two years of government operation of the railroads cost the government about $700,000,000. The figures of the Railroad Administration showed a net loss of $594,200,000 from railroad operation alone. When the operating costs of Pullman lines, waterways and express companies are included, $100,000,000 must be added to the amount. During November and December $111,500,000 were added to the deficit,

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the coal strike being an important contributing cause. Of the $349,200,000 loss for the year 1919, however, $228,700,000 came during the first six months. This was said to be caused by "a prolonged slump in freight business following the signing of the armistice."—In spite of the large increases in the wages of railroad employees the last seven months of government control were notable for serious labor difficulties. These difficulties were complicated by the insistence of the brotherhoods upon the so-called "Plumb Plan" (see last RECORD, p. 24).—On August 1 a **strike** occurred among the **railway shopmen,** who demanded an increase of 17 cents an hour over their previous wage of 68 cents. The strike was not authorized by the national officers of the shopmen's union. Early in the year the men had presented their grievances to the official Wage Adjustment Board, but no decision had been reached. In July the Director General asked Congress to create a new wage board (see *infra*, p. 46). This request, however, was refused. Thereupon the President, on August 7, directed Mr. Hines to use the authority vested in him to adjust wage differences, on condition that the strikers return to work. In the meantime the strike had spread from the Chicago district to New York and Boston, causing freight embargoes and the cancellation of numerous trains. The President directed the Railroad Administration to use its full authority to move the trains in the southwestern states where unauthorized strikes had occurred. District attorneys were ordered to arrest persons interfering with traffic. The Director General sent an ultimatum stating that all employees not reporting for duty on August 30 would be regarded as having terminated their employment. On August 25 President Wilson in a statement appealed to the men to postpone their demands. He offered, however, to grant the shopmen an increase of 4 cents an hour so that their wages would correspond with those of other classes of railroad employees. On September 21 it was announced that the shopmen's union had accepted the offer. On November 15 Director General Hines submitted to the representatives of the four railway brotherhoods propositions increasing the wage scale approximately $36,000,000 a year. This increase, which was accepted in lieu of the workers' demands, affected trainmen, firemen, engineers and conductors, but more particularly those employed in the slow-freight service. As a result of a conference of the Railroad Administration and the Brotherhood of Maintenance-of-way Employees and Railway Track Laborers on November 24, a new wage and working agreement was signed. Approximately 400,000 men were affected. While the demands of the union were not fully met, the eight-hour basic day was established for track laborers, and time and a half pay for overtime was granted. Early in 1920 the railway brotherhoods again made demands for wage increases, amounting to over one billion dollars. During March

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conferences were held between representatives of the brotherhoods and the railroad executives. This bi-partisan board, however, reached a deadlock on April 1 and abruptly ended its sessions. The whole matter was passed on to the **Labor Board** created under the Esch-Cummins Bill (see *infra*, p. 54). The members of this board are as follows: representatives of the railway owners, Horace Baker, William L. Park and J. H. Elliott; representatives of the employees, Albert Phillips, A. O. Wharton and James J. Forester; representatives of the public, R. M. Barton, G. W. Hanger and Henry T. Hunt. On April 17 the board elected R. M. Barton as chairman and C. P. Caruthers as secretary.—A **serious railroad strike** was initiated on April 2, when 700 switchmen and yardmen in Chicago and Milwaukee quit work. This strike, in direct defiance of the national leaders of the four brotherhoods, spread so rapidly that in a few days almost all of the railroads of the country were crippled. In some cases trains were abandoned *en route*. Violence accompanied the strike. On April 9 the presidents of the four great brotherhoods issued a statement to the effect that the strike had been started in Chicago by a new organization designed for the destruction of the Brotherhood of Railroad Trainmen and the Switchmen's Union, that it had nothing to do with the wage question and that its purpose was to promote the "One Big Union" idea. The leaders declared that there could be no settlement of pending wage questions so long as the illegal strike continued. On April 15 the government arrested John Grunau and twenty-two other leaders on warrants charging violation of the Sherman Law and the Lever Food and Fuel Act. The newly created Railroad Labor Board refused to hear the pleas of the "outlaw" strikers, most of whom returned to work when the roads announced their decision to declare the positions of the strikers vacant and to recruit new forces. The strike caused serious freight congestion which was not relieved for many weeks.—Early in May the railroads began their arguments before the Interstate Commerce Commission for **increased freight rates** that would yield an additional revenue of $1,017,000,000.—To find a solution of the country's labor troubles, continually becoming more acute, President Wilson, early in September, sent letters to representatives of employers, of labor and of the general public, inviting them to participate in a **National Industrial Conference** to meet in Washington on October 6. He stated the purpose of the proposed conference to be that of "consulting together on the vital questions affecting our industrial life." The conference was to discuss such methods as had already been tried of bringing capital and labor into close cooperation, and to canvass every relevant feature of the industrial situation for the purpose of working out a practicable method of association based upon a real community of interest. The two subjects that absorbed all the time of the conference were the

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open and closed shop and the right of collective bargaining. Both were involved in the great steel strike then in progress (see *infra*, p. 81). The Chamber of Commerce of the United States and the National Industrial Conference Board were each instructed to choose five members. These, with three representatives of farmers' organizations and two representatives each of the investment bankers and the railroad managements, constituted the employers' group. The President selected the twenty-two members to represent the public and asked President Gompers of the American Federation of Labor to select the labor representatives. Among the prominent representatives of the public group were: Bernard M. Baruch, Robert S. Brookings, John D. Rockefeller, Jr., Judge Elbert H. Gary, Charles W. Eliot, Charles Edward Russell, John Spargo, Lillian D. Wald and Ida M. Tarbell. At the second day's session, on October 7, it was agreed that no member of any group should present a subject to the conference without the consent of his group. All final recommendations were to be made by a unanimous vote of the three groups, each vote determined by a majority within the group. The labor group urged upon the conference a resolution to suspend the steel strike while arbitration by the conference proceeded, and another declaring in favor of the principle of collective bargaining and the right of labor to be represented in dealings with employers by representatives of their own choosing. To these resolutions the employers' group presented a solid opposition. When the resolutions failed to pass, the labor delegation withdrew from the conference. The public group recommended to the President the calling of a new conference differently constituted. — In pursuance of this recommendation the President, on November 20, announced the calling of a **second Industrial Conference,** to assemble on December 1. Group representation was abandoned, the conference consisting of a small body of men representing industry as a whole, headed by William B. Wilson, Secretary of Labor. The conference was not expected to deal directly with existing labor struggles, but it was hoped that it might find a way to avoid their repetition. The conference convened on December 1, and on December 29 issued a preliminary report. The **final report** was issued on March 6. The conference considered the prevention of disputes worth more than their cure and recommended to that end the further application of the principle of employee representation by means of shop committees, shop councils, work councils *etc.* This system, it was claimed, was operating successfully in completely organized shops, in non-union shops and in shops where union and non-union men worked side by side. For the settlement of disputes not adjusted by the joint organization of the management and the employees, the conference recommended the establishment of a system, nationwide in scope, consisting of a **National Industrial Board, local**

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Regional Conferences and **Boards of Inquiry,** to operate as follows: The parties to the dispute may voluntarily submit their differences for settlement to a board known as a Regional Adjustment Conference, to consist of four representatives selected by the parties and four others in their industry chosen by them and familiar with their problems, the board to be presided over by a trained government official, the regional chairman, appointed by the President for a term of three years and eligible for reappointment, to act as conciliator. In case of a unanimous agreement, there is to be a collective bargain with the same effect as if reached by the shop organization; in case the Regional Conference fails to agree unanimously, the matter is to go, under the agreement of submission, to the National Industrial Board, unless the parties prefer the decision of an umpire selected by themselves. The voluntary submission of a dispute to a Regional Adjustment Conference is to carry with it an agreement by both parties that there shall be no interference with production pending the decision. In case the parties, or either of them, refuse voluntarily to submit the dispute to adjustment, a Regional Board of Inquiry is to be formed by the regional chairman, consisting of two employers and two employees from the industry, who are not parties to the dispute. This board is to have the right to subpœna witnesses and records and is to publish its findings as a guide to public opinion. Either of the parties may join the Board of Inquiry on giving an undertaking that, so far as its side is concerned, it will agree to submit its contention to a Regional Adjustment Conference, and if both join, a Regional Adjustment Conference is to be automatically created. The National Industrial Board, with headquarters at Washington, is to be composed of nine members appointed by the President and Senate. To insure the appointment of properly qualified persons three must be chosen from persons representative of industrial employers, three from persons representative of industrial employees, and three from persons representative of general interests, who shall be specially qualified by reason of knowledge or experience with economic and general questions. All are to act for the general welfare and to be selected without regard to political affiliations. One of the three representing the general interests is to be designated chairman by the President. The term of the members is to be six years, and they are to be eligible for reappointment. The National Industrial Board is to have general supervisory power over the plan and make rules governing its general administration. It is to act as a board of appeal on questions of wages, hours and working conditions, which cannot be adjusted by a Regional Adjustment Conference. Its decisions must be unanimous. It may act as a board of appeal on all other questions which come before a Regional Adjustment Conference, which may be voluntarily submitted to it by the parties to the dispute and which

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they have not been able to agree upon in the Regional Adjustment Conference, except questions of policy such as the "closed" or "open" shop. In case it cannot reach a determination it is to make and publish majority and minority reports. The plan proposed may be applied to public utilities, in which case the governmental regulatory agency is to have representatives on the Adjustment Conference. It is to make no recommendations relative to railroads, but to provide machinery for the prompt and fair adjustment of wages and working conditions of government employees. The plan involves no penalties other than those imposed by public opinion. It does not provide for compulsory arbitration, nor does it deny the right to strike. The Industrial Conference declared itself in favor of collective bargaining as the most helpful approach to industrial peace. It denied the right of government employees to strike. Moreover, it declared strongly against the policy of allowing policemen and other employees engaged in the administration of justice and the preservation of life and property to join or affiliate with organizations that use the strike as a weapon of warfare. The report of the Conference was bitterly attacked by Mr. Gompers, who claimed that in seeking to further employee representation in shop councils it was advocating a system destructive of labor unions. Shop councils and committees, he maintained, "lend themselves to the designs of employers hostile to trade-unionism and are, in fact, almost without exception creatures of employers." Some of the comment contained in the report he thought excellent; some of it seemed to him "a reflection of the philosophy of uplift commonly found in a rarified atmosphere where real labor, with its difficulties and problems, does not exist."—During the period under review the Administration made efforts to combat the **rising cost of living.** Early in August the President asked Congress for additional legislation. He stated that wheat shipments and credits to facilitate the purchase of our wheat would be controlled so as to lower the price of flour here; that surplus stocks of both food and clothing in the hands of the government would be sold without profit; that foodstuffs would be drawn out of storage and sold by legal action whenever necessary; that combinations of producers and distributors formed to control prices would be vigorously prosecuted; and that publicity would be employed by agencies of the government to inform the public of supplies not available because of hoarding and price manipulation. The Attorney General announced that since investigations by the Federal Trade Commission had disclosed a "clear violation of the anti-trust laws" by the Chicago meat packers, vigorous action would at once be brought against these combinations. The government's attitude resulted in an **agreement** between the "Big Five"—Armour and Company, Swift and Company, Morris and Company, Wilson and Company and the Cudahy

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Packing Company—and the Department of Justice, under the terms of which the packers and their subsidiaries agreed to sell all their holdings in public stockyards, stockyard railroads and terminals and their interests in market newspapers and public cold-storage warehouses, and forever to dissociate themselves from the retail meat business and such food lines as are unrelated to meat packing. This agreement, it was asserted, would avert the danger of a monopoly in food supplies.—On August 10 the Attorney General in a dispatch to former state food administrators urged that **fair price committees** be appointed to secure accurate information relative to charges of profiteering in necessary commodities, such information to be reported to the Department of Justice. A vigorous campaign against hoarding food in cold storage for speculative purposes was at once instituted. Government prosecutors in many localities began filing libels for the seizure of eggs, sugar, rice, meat *etc.*—On November 21 the President again placed the government in control of the nation's food supply by transferring the authority of the Food Administration to the Attorney General. The immediate cause of the revival of these war functions was the effort to avert a sugar famine. Immediate steps were taken to allocate the sugar stocks in the country. On the last day of the year the President signed the **McNary Sugar Control Bill** (see *infra*, p. 55), under which the Sugar Equalization Board was continued for one year. However, administration activities dealing with the high cost of living did not escape **criticism in Congress.** On April 24 Senator Capper of Kansas presented statistics which, he said, showed that the earnings of many American corporations represented "open, scandalous and shameless" profiteering. Senator Lenroot of Wisconsin agreed that profiteering was a national menace and declared that the Attorney General was "setting a few mousetraps around the country when he ought to be setting beartraps" to catch the big profiteers. The Kansas Senator thought existing laws sufficient, "if those charged with the enforcement of these laws will see that profit hogs are sent to jail." During May and June there were indications that certain commodities, notably clothing, were falling in price. Food prices, however, continued to mount higher.—During the year **the army disposed** of a large amount of **surplus stock.** On December 2 the War Department reported that the total received for materials sold in this country was $476,727,874, exclusive of $61,985,421 of stocks transferred to other government departments. The largest amount for any one commodity was $201,800,000 for wool. Other sales included: textiles other than wool, $44,540,000; railway rolling stock, $70,157,000; subsistence, $26,613,200; chemicals, $23,045,000; and animals, $21,169,000. The government realized from 73 to 80 cents on the dollar during the year on the sale of army stocks held in the United States. A large quantity of foodstuffs was distributed by

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parcel post at prices considerably below prevailing market prices.— During the year the government conducted a vigorous **campaign against radical agitators.** The campaign was carried on mainly through the Department of Justice and the Post-Office Department in the enforcement of the Espionage Act and the laws denying the use of the mails for distributing improper publications. On November 7 simultaneous arrests were made of several hundred officers and members of radical organizations in a dozen cities of the United States on warrants charging them with advocating the forcible overthrow of the government. The authorities also secured possession of large quantities of radical literature. A week later, government agents disclosed the fact that much "red" propaganda had been carried on in the United States *via* Mexico, and on the following day Attorney General Palmer, in response to a Senate resolution asking for a statement regarding the activities of his Department, requested further legislation to strengthen his hands in dealing with dangerous persons. He presented statistics relative to radical and seditious literature distributed in the country, much of which, he said, was in open advocacy of the destruction of the United States government.— During the summer and autumn of 1919 a considerable number of **alien agitators** had been collected at Ellis Island for **deportation.** Although the federal court of New York had held that the government had authority to deport them, it appeared that Immigration Commissioner Frederic C. Howe failed to act vigorously in their deportation. For this he was severely criticized. On December 22 the **Buford** or "Soviet Ark" sailed from New York for Russia, carrying 249 alien residents of the United States found guilty of revolutionary agitation. All were former citizens of Russia. Among those deported were Emma Goldman and Alexander Berkman. The campaign against the "red" agitators has been continued. Wholesale arrests have been made and many incriminating papers seized. Drastic sedition bills were introduced in Congress (see *infra*, p. 55). There has been widespread **criticism of the Department of Justice** for the methods used in its campaign against the radicals. Nor has this criticism come solely from the radicals themselves. Late in May, the National Popular Government League charged the government agents with lawlessness, cruelty and persecution on a wholesale scale. The signers of this report included such well-known men as Roscoe Pound, Dean of the Harvard Law School, Tyrrell Williams, Dean of the Washington University Law School, Judge Alfred Niles of Baltimore, Professor in the Maryland University Law School, Felix Frankfurter of the Harvard Law School, and Ernst Freund, Professor in the Law School of the University of Chicago. The report vigorously attacked the Attorney General and his aids and strongly commended the action of Assistant-Secretary of Labor, Louis

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F. Post, who cancelled numerous deportation warrants on the ground that they were clearly contrary to law. Specifically, this noteworthy report charged the Department of Justice with maintenance of *agents provocateurs* for the purpose of joining and becoming officers of radical organizations and inciting their members to criminal activities; wholesale arrest and imprisonment of men and women without warrants, or pretense of warrants, and illegal search and seizures in violation of the Constitution; forgery by agents of the department to make cases against innocent persons caught in illegal raids; criminal thefts of money, watches, jewelry and other personal property from victims of raids by agents of the department; cruel and unusual punishments visited on prisoners taken into custody with and without warrants, in violation of the Constitution; use of government funds in violation of law to spread newspaper propaganda favorable to a campaign of repression and to purchase "boiler plate" distributed free to country newspapers to create popular opinion favorable to acts of the department; compulsion of prisoners to be witnesses against themselves in violation of the Constitution; brutal and indecent treatment of women taken in raids; filthy conditions of confinement; and refusal to permit prisoners to communicate with friends or lawyers. Impeachment proceedings urged against Mr. Post were not pressed by the committee.—The war stimulated to a remarkable degree the building up of the **American merchant marine.** The government and private persons alike added largely to our tonnage. This development, moreover, continued unabated after the signing of the armistice (see last RECORD, p. 18). During the year 1919, according to *Lloyd's Register*, the United States produced 57 per cent of the world's output of shipping, or a total of 4,075,385 tons. On March 1, 1920, there were 1,256,573 gross tons of steel vessels under construction in United States shipyards for private enterprises. Hog Island alone, the largest shipyard in the world, launched during the year ending March 31, 1920, a total of 611,575 tons. On that date the number of men there was 20,000. American tonnage early in 1920 exceeded 15,000,000 and was manned by 266,000 seamen. — During the year there was considerable debate relative to the policy the United States should adopt in regard to the maintenance of its newly developed merchant marine. In accordance with the recommendation of Chairman Hurley of the United States Shipping Board, made in June, 1919, many government-owned ships were sold to private persons (see last RECORD, p. 18). This was strongly advocated by shipping interests. On March 1 the Shipping Board entirely abandoned the operation of its ships and turned them over to private operators as agents. In June a bill providing for the sale of government-owned ships was sent to the President (see *infra*, p. 57).—The **return of the American Expeditionary Forces** was completed on Jan-

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uary 24, when Brigadier-General William D. Connor, Chief of Staff of the Department of Supply, arrived in New York with 199 officers and men. In July, 1919, the American Army in Europe was estimated at 282,000. General Pershing and his staff returned early in September. The last of the American contingent in Siberia left on April 1 for Manila.—The **American forces in Germany,** with headquarters at Coblenz, had on March 28 a strength of 726 officers and 16,756 enlisted men, under the command of Major-General H. T. Allen.—On December 24 the President approved a bill providing for the additional payment of about $80,000,000 annually to war risk beneficiaries (see *infra*, p. 55). The **War Risk Bureau** had at that time settled 627,561 claims for death or permanent disability, totaling $1,635,552,173. There were pending 5,119 cases.—On January 4 Brigadier-General Connor stated that almost $800,000,000 had been realized on the **sale of American army stocks in France.** He estimated their total value at $1,700,000,000. —There has been much debate regarding the **permanent military policy** of the government. In June Congress sent a reorganization bill to the President (see *infra*, p. 57).—Drastic reductions of permanent officers of the army from temporary ranks to regular army grades were ordered on February 29 by General March, Chief of Staff.—On October 1, 1919, the vessels of the **United States navy** fit for service numbered 791 as compared with 342 in April, 1917. Those under construction numbered 283. Rear Admiral Taylor, Chief of the Bureau of Construction and Repairs, told the House Naval Committee on January 31 that the peace-time strength of the American navy after July 1, 1920, would be approximately 940 ships.—Congress failed to approve Secretary Daniels' $195,000,000 building program for the navy presented on March 6.—Early in 1920 a serious **controversy** developed between **Admiral W. S. Sims,** formerly in command of the American naval forces in European waters, and **Secretary of the Navy Daniels.** The former claimed that the inefficiency and delay in the Navy Department at Washington actually prolonged the war. He stated that his recommendations as commander of the fleet overseas had not been followed and that the morale of the navy had been "shot to pieces" because of "flagrant injustices" in conferring decorations. These charges brought forth vigorous denials from the Secretary of the Navy before the Senate Naval Investigating Committee.—In March serious charges of incompetency were brought against the **Federal Board for Vocational Education** by Harold Littledale, a reporter for the New York *Evening Post.* It was charged that, while the board had 209,000 cases registered with it on January 17, nineteen months after its creation, it had placed in training only 24,000 men and had trained and placed in employment only 217. Charges of undue harshness were also made. The House Education Committee thereupon made an investigation. In its report, filed on June 4, the committee

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recommended that the rehabilitation service be placed under the supervision of the Treasury Department as a bureau, or that it, together with the War Risk Insurance Bureau and the health service, be transferred to the Interior Department, each to constitute a bureau in that department. — On December 1 Secretary Glass presented the **annual estimates** for the fiscal year 1921. The proposed appropriations amounted to virtually $5,000,000,000. Almost one billion was asked for the army and over one-half billion for the navy. The yearly interest on the war debt is $1,017,500,000. For the Treasury $247,000,000 was asked, largely for the enforcement of prohibition and the collection of income, corporation and excess-profits taxes (see *infra*, p. 44).

PRESIDENTIAL NOMINATIONS AND PARTY PLATFORMS. —Although the national nominating conventions of the two major political parties were preceded by a number of strenuous **primary campaigns**, the great majority of the delegates to both conventions were uninstructed. Hence, in no real sense did the voters play a determining rôle in the nomination of presidential candidates. The prediction that through the development of the primary system nominations would be secured by popular referenda and that the nominating conventions would merely ratify the choice of the party voters failed signally of fulfilment. — The **Republican National Committee** met in Washington on December 10 and 11 and decided to hold the National Convention at Chicago on June 8. The "call" for the convention issued by Chairman Hays provided for the election of 984 delegates from the several states and territories. A **new method of platform drafting** was initiated late in January by Mr. Hays when he appointed a large committee of representative Republicans to aid the National Committee in "ascertaining the needs of the nation, and frankly, honestly, and definitely stating the fundamentals of the party's plan for the solution of problems in a comprehensive program of constructive measures." Under the direction of Mr. Ogden L. Mills of New York as chairman, a list of topics was made out, subcommittees were appointed, and the general line of inquiry determined upon. Based in part upon the returns received from questionnaires, which were widely distributed, Mr. Mills and his associates prepared a series of reports for the platform committee. The committee's staff work was carried on by Professors Samuel McCune Lindsay of Columbia and Jacob H. Hollander of Johns Hopkins.—In the **Republican presidential preference primaries** the names of three candidates, **General Wood, Governor Lowden and Senator Johnson,** appeared on the ballots of most of the states. In **North Dakota** Johnson won overwhelmingly. **South Dakota** gave Wood 31,024, Lowden 26,992 and Johnson 26,194. In **Michigan** Johnson received 156,939 votes, Wood 112,568 and Lowden 62,418. Lowden won in

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Illinois with 236,802 votes; Wood received 156,719 and Johnson 64,201. The Republicans of **Nebraska** and **Montana** favored Johnson. In **New Jersey** Wood won over Johnson, 52,909 to 51,962. Senator Harding carried his own state, **Ohio.** In **California,** Johnson received 370,905 votes and Herbert Hoover 210,561. **Indiana** gave Wood 85,708, Lowden 39,627, Johnson 78,840 and Harding 20,732. In the states not having preference primaries the delegates were selected in party primaries or conventions. On the eve of the Republican Convention, an Associated Press report stated that on the temporary roll of the convention would appear the names of 506 uninstructed delegates, 125 pledged to General Wood, 72 pledged to Governor Lowden, 39 pledged to Senator Harding and 112 pledged to Senator Johnson.— **The Republican National Convention** met at Chicago, June 8-12. It was called to order by Will H. Hays, chairman of the National Committee. **Senator Lodge** of Massachusetts as temporary chairman delivered the opening address, in which he defended the Republican Senate's opposition to the Peace Treaty as a high and patriotic duty, demanded a firm policy toward Mexico and praised the record of the Republican Congress, which, though hampered by a hostile Administration, had accomplished more in eighteen months than the Democratic Congress had in five years. The speech was bitter in its attack upon the President. At the second session of the convention Senator Lodge was retained as permanent chairman. **Senator Watson of Indiana** was chosen chairman of the Committee on Resolutions over Ogden L. Mills of New York. The report of this committee was anxiously awaited, for it was known that there was decided difference of opinion relative to the **League of Nations plank.** The irreconcilables, headed by Senators Johnson, Borah, and McCormick, opposed the Treaty in any form. Others favored the Treaty with reservations of various kinds. There were rumors that a bolt was unavoidable. After a forty-eight hour session the committee submitted a unanimous report which the convention accepted on June 10 with enthusiasm. At the Friday session the several candidates were presented. General Leonard Wood was nominated by Governor Allen of Kansas; Governor Lowden by Congressman Rodenberg; Senator Johnson by Charles S. Wheeler; Nicholas Murray Butler by Ogden Mills; Senator Harding by former Governor Frank B. Willis of Ohio; Governor Coolidge of Massachusetts by Speaker Gillett; Governor Sproul of Pennsylvania by Mayor J. Hampton Moore of Philadelphia; and Herbert Hoover by Judge Nathan Miller of New York. Four ballots were cast on Friday. On the first, the seven leading candidates stood as follows: Wood, 287½; Lowden, 211½; Johnson, 133½; Harding, 65½; Butler, 69; Sproul, 83½; and Coolidge, 34. The result of the fourth ballot was: Wood, 314½; Lowden, 289; Johnson, 140½; Harding, 61½; Butler, 20; Sproul, 79½; and Coolidge,

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25. At the Saturday session it became evident that neither Wood nor Lowden could win and that Senator Johnson also was practically eliminated. Disclosures by the congressional committee on campaign expenditures that huge sums had been spent in behalf of General Wood and Governor Lowden worked injury to their candidacies.—After the seventh ballot a noticeable drift to Senator Harding set in, and rumors that the leaders had decided upon him became current. On the eighth ballot Harding received 133½ votes; Wood, 299; Lowden, 307; and Johnson, 87. On the ninth, Harding led with 374½ votes. Wood dropped to 249; Lowden to 121½; and Johnson to 82. The tenth ballot gave **Harding** the nomination. He received 692½ votes; Wood, 156; Lowden, 11; and Johnson, 80½. Throughout the balloting Senator LaFollette retained 24 of the 26 votes of Wisconsin. Herbert Hoover received 5½ votes on the first ballot and 9½ on the tenth. Immediately after the Presidential candidate had been chosen the convention addressed itself to the choice of his running mate. **Governor Coolidge** of Massachusetts was welcomed with an enthusiastic demonstration and won the nomination for the vice-presidency on the first ballot. The vote stood as follows: Coolidge, 674½; Lenroot, 146½; Allen, 68½; Anderson, 28. The convention adjourned at 7:30 p. m. on June 12, after Senator Lodge had been named chairman of the committee to notify Senator Harding, and Governor Allen chairman of the committee to notify Governor Coolidge. The **Republican platform** as adopted by the convention declares that the "outstanding features of the Democratic Administration have been complete unpreparedness for war and complete unpreparedness for peace"; pledges itself "to end executive autocracy and to restore to the people their constitutional Government"; praises the work of the Republican Congress in enacting a "program of constructive legislation"; recognizes the justice of collective bargaining as a means of promoting good-will in industry as well as the justice of government initiative to reduce the frequency of strikes and lockouts; denies the right to strike against the government; favors the establishment of impartial tribunals to investigate facts relative to labor disputes in public utilities, the decisions of such tribunals to be morally but not legally binding; advocates impartial commissions and better facilities for voluntary mediation, conciliation and arbitration to settle disputes in private industries; favors the establishment of an executive budget and the reorganization of federal departments and bureaus to secure a more business-like distribution of functions; declares the President's refusal to sign the resolution repealing war-time legislation an intolerable usurpation, deserving the severest condemnation; pledges the party to a more just and simple system of taxation; opposes government ownership and operation or employee operation of the railroads; reaffirms the party's faith in the protective

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principle "for the preservation of the home market for American labor, agriculture, and industry"; declares in favor of a privately owned merchant marine, and recommends that all ships engaged in coastwise trade and all vessels of the American merchant marine pass through the Panama Canal without premium of tolls; declares in favor of revising the immigration laws to keep out undesirables and the naturalization laws to test more adequately the alien's fitness for citizenship; demands that every American citizen enjoy the ancient and constitutional right of free speech, free press and free assembly, but that no one be allowed to advocate resistance to law or the violent overthrow of the government; condemns the "vigorous malpractice of the Departments of Justice and Labor" in dealing with alien agitators; urges Congress to consider the most effective means to end lynching; promises to care generously for the maimed and disabled men of the recent war; urges Republican legislatures to ratify the suffrage amendment to enable the women of the nation to participate in the election of 1920; endorses the principle of federal aid to the states for vocational and agricultural training; favors a federal child labor law; severely arraigns the foreign policy of the Administration as "founded upon no principle and directed by no definite conception of our nation's rights and obligations", as "humiliating to America and irritating to other nations", and favors "a liberal and generous foreign policy, founded upon definite moral and political principles, characterized by a clear understanding of and firm adherence to our own rights, and unfailing respect for the rights of others"; condemns as ineffective the policy of the Administration in Mexican matters and pledges the Republican party to a "consistent, firm and effective policy toward Mexico that shall enforce respect for the American flag and that shall protect the rights of American citizens in Mexico to security of life and property"; condemns the President for asking Congress to empower him to accept a mandate for Armenia, the acceptance of which "would throw the United States into the very maelstrom of European quarrels"; and finally declares that the covenant signed by the President at Paris failed signally in promoting agreement among the nations to preserve the peace of the world, that it contained stipulations "not only intolerable for an independent people but certain to produce the injustice, hostility and controversy among nations which it proposed to prevent", and that the coming Republican Administration will bring about "such agreement with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals and without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace."—The **Democratic National Committee** at its meeting in Washington on January 7-8 decided to hold the Democratic National Convention

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at San Francisco on June 28. Chairman Homer S. Cummings of the National Committee issued the formal call on January 13. It provided for the election of 1092 delegates.—The preconvention campaign of the Democrats did not arouse as much interest as the Republican campaign. The preference primaries were of relatively small importance, there being no candidates making such nationwide campaigns as those of General Wood and Senator Johnson. Several states, however, instructed their delegations for favorite sons. Thus the Oklahoma convention instructed for Senator Owen; the North Carolina convention for Senator Simmons; the Nebraska primary for Senator Hitchcock; the Ohio primary for Governor Cox; and the Pennsylvania primary for Attorney General Palmer. The number of delegates instructed was something like 300. The outstanding candidates were William G. McAdoo, former Secretary of the Treasury, A. Mitchell Palmer, Attorney General, and Governor James M. Cox of Ohio. —The opening session of the **Democratic National Convention** on June 28 resolved itself into an enthusiastic demonstration in favor of President Wilson. A message acclaiming him as the unquestioned leader of his party and praising the accomplishments of his administration was sent the President by a unanimous vote of the convention. **Chairman Cummings** in his "keynote" speech attacked the party responsible for the rejection of the Treaty, thus bringing the Treaty and the League of Nations forward as the major issue of the coming campaign. He reviewed the achievements of the Wilson Administrations which, he said, "Republican managers and the Chicago platform seek to shame and besmirch." He condemned the appointment of numerous congressional "smelling committees" to ascertain "whether or not there was any graft in the conduct of the great war." "Through the hands of a Democratic Administration", he declared, "there have passed more than 40 billions of dollars, and the finger of scorn does not point to one single Democratic official in all America." This record he contrasted with the record of the conduct of the Spanish-American war and asserted that "not one single Democratic official has either been indicted or accused or even suspected; and the only dignitary in America, of any outstanding political significance, who is moving in the direction of the penitentiary, is Truman Newberry of Michigan." **Senator Joseph T. Robinson** of Arkansas was selected as permanent chairman of the convention and Senator Carter Glass of Virginia as chairman of the important Committee on Resolutions.—For several days the **Committee on Resolutions** held hearings at which divergent views were advanced, chiefly on three important issues, *viz.*, prohibition enforcement, the Treaty and the League of Nations, and the Irish question. The Committee on Resolutions reported the platform on July 2. As reported it contained no reference to prohibition. This satisfied neither the "drys",

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led by **Mr. Bryan** nor the "wets", led by Mr. W. Bourke Cockran of New York. Hence minority reports were presented and debated before the convention. Mr. Bryan's "bone dry" plank was defeated, 929½ to 155½, and Mr. Cockran's wet plank, 726½ to 356. Mr. Bryan's League of Nations plank, urging ratification with reservations, was lost overwhelmingly, as was a minority report proposing to go beyond the committee's expression of sympathy with the aspirations of the Irish people. After all amendments had been decisively defeated, the platform as it came from the committee was adopted unanimously. While the platform was being drafted by the Committee on Resolutions the several candidates were placed in nomination before the convention. On June 30, in an eight-hour session, the following **ten candidates were presented.** Senator Robert L. Owen of Oklahoma, ex-Ambassador James W. Gerard of New York, Homer S. Cummings of Connecticut, Senator Gilbert M. Hitchcock of Nebraska, Attorney General A. Mitchell Palmer of Pennsylvania, Secretary of Agriculture Edwin T. Meredith of Iowa, Governor James M. Cox of Ohio, Governor Alfred E. Smith of New York, ex-Secretary of the Treasury William G. McAdoo of New York and Governor Edward I. Edwards of New Jersey. On the following day four more candidates were nominated: Senator F. M. Simmons of North Carolina, Senator Carter Glass of Virginia, Ambassador John W. Davis of West Virginia and Francis Burton Harrison, Governor General of the Philippines. The convention went on record in favor of **full sex equality,** deciding that henceforth the National Committee should be composed of one man and one woman from each state. Balloting began immediately after the platform was adopted. Two ballots were cast on Friday evening, July 2. The vote on the first test stood as follows: McAdoo, 266; Cox, 134; Palmer, 256; Cummings, 25; Davis, 32; Edwards, 42; Gerard, 21; Glass, 26½; Hitchcock, 18; Meredith, 27; Owen, 33; and Smith, 109. There were 102 scattering votes. On the second ballot McAdoo received 289; Cox, 159; Palmer, 264; Cummings, 27; Davis, 31½; Edwards, 34; Gerard, 12; Glass, 25½; Hitchcock, 16; Meredith, 26; Owen, 29; and Smith, 101. There were 76 scattering votes. On Saturday, July 3, twenty ballots were taken. The result of the twenty-second ballot was: McAdoo, 372; Cox, 430; Palmer, 166½; Cummings, 6; Owen, 35; Davis, 52; Glass, 25. At 11:45 p. m. the convention finally voted to adjourn to Monday. Fourteen ballots were cast on Monday's day session. On the thirtieth, McAdoo again became the leader with 403½ votes to Cox's 400½. After voting for nearly seven hours, without any candidate reaching within 300 votes of a two-thirds majority, the convention took a recess until 8:30. The result of the thirty-sixth ballot was: McAdoo, 399; Cox, 377; and Palmer, 241. After the second ballot of the evening, the thirty-eighth, Mr. Palmer released his delegates. On

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the following ballot, Cox again took the lead, and on the forty-second received 540½ to 427 for McAdoo. On the next ballot he gained 26½ while McAdoo lost 15. On the forty-fourth ballot **Governor Cox secured the nomination.** The vote necessary to nominate was 729. When Cox had 699 votes to his credit, Vice-Chairman Amidon of the National Committee and manager of the McAdoo followers, moved to make the nomination unanimous. On July 6 **Franklin D. Roosevelt** of New York, Assistant Secretary of the Navy, was chosen by acclamation as the party's candidate for Vice-President. The **platform of the Democratic party** hails "with patriotic pride the great achievements for the country and the world" wrought by the Democratic Administration of President Wilson; declares "the League of Nations . . . the surest, if not the only, practicable means of maintaining the permanent peace of the world and terminating the insufferable burden of great military and naval establishments" and advocates "the immediate ratification of the treaty without reservations which would impair its essential integrity", but does not "oppose the acceptance of any reservations making clearer or more specific the obligations of the United States to the League associates"; praises the Administration's conduct of the war; extols the federal reserve system and the financing of the war and condemns the attempt of the Republican party "to drag our public finance and our banking and currency system back into the arena of party politics"; condemns the failure of the Republican Congress to respond to the President's demand for the readjustment of the tax laws to peace conditions and denies Republican claims of economies; holds the Republican party responsible for the failure to restore peace and peace conditions in Europe, "which is a principal cause of post-armistice inflation the world over", declares that "the high cost of living can only be remedied by increased production, strict governmental economy and a relentless pursuit of those who take advantage of post-war conditions and are demanding and receiving outrageous profits", and condemns the waste of money by Congress "in vain and extravagant investigations" which revealed nothing "beyond the incapacity of Republican politicians to cope with the problems"; reaffirms Democratic tariff doctrines and declares for the policy of basing tariff revisions upon "the intelligent research of a non-partisan commission rather than upon the demands of selfish interests, temporarily held in abeyance"; favors the creation of an effective budget system to function "in accord with the principles of the constitution"; praises the Democratic record in establishing farm-loan banks and other farm legislation and endorses collective bargaining and researches into production costs; declares the Democratic party the friend of honest labor, as witnessed by the creation of a Department of Labor, the passage of child-labor acts, workingmen's-compensation laws, the

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eight-hour law *etc.*, affirms that labor is not a commodity, that it should participate in the formulation of sound laws and regulations governing the conditions under which labor is performed, that labor and capital alike "have the indefeasible right of organization, of collective bargaining and of speaking through representatives of their own selection", that neither should at any time take action that would jeopardize the public welfare, that in private industrial disputes compulsory arbitration, though plausible in theory, has been a failure in fact, that with respect to government service, the rights of the people are paramount to the right to strike, and that instant inquiry into the pay of government employees and equally speedy regulations designed to bring salaries to a just and proper level should be made; endorses the equal suffrage amendment and urges the Democratic governors and legislatures of Tennessee, North Carolina and Florida to complete the process of ratification in time to enable all the women to participate in the fall election; declares against child labor, in favor of child welfare, maternity care, vocational education, better conditions for working women and the reclassification of the civil service with a view to equality of the sexes; advocates generosity to disabled soldiers and declares in favor of the enactment of soldier-settlements and home-aid legislation; commends federal administration of the railroads during the war, declaring it efficient and economical despite inadequate and outworn equipment, and criticizes the Transportation Act, which the President was forced to sign upon pain of throwing the railroad situation into chaos; favors the continuance of federal aid in road building; claims credit for the restoration of the American merchant marine and pledges the party to a policy of its continued improvement; pledges ample appropriations for the continuation and extension of reclamation; endorses the creation and the work of the Federal Trade Commission; pledges itself to enact legislation for the supervision of livestock markets; upholds the President's Mexican policy and advocates the recognition of the new Mexican government when it has shown its ability to maintain order; declares that the United States should render every possible and proper aid to the people of Armenia in their efforts to maintain a government of their own; expresses its sympathy with the people of China, Czechoslavokia, Finland, Poland, Persia and others who have recently established representative government, and "within the limitations of international comity and usage" repeats previous expressions of sympathy for Ireland in its aspirations for self-government; favors the granting of independence to the Philippines without unnecessary delay; favors the granting to Porto Rico of the traditional territorial form of government, with a view to ultimate statehood; supports the policy of non-admission of Asiatic immigrants; defends the Post-Office Department "against a malicious

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and designing assault" and favors the fair and just treatment of all government employees; denies the alleged interference of the Administration with the freedom of the press and freedom of speech; and finally pledges itself to the enactment of laws strengthening the present statutes against corrupt practices, in view of the "shocking disclosures of the lavish use of money by aspirants for the Republican nomination" and the recent conviction of a Republican Senator from Michigan, upon whose seat "the present organization of the Senate with a Republican majority was made possible" by the criminal transgression of the law limiting expenditures on behalf of a candidate for the United States Senate. — The **Socialist party** held its nominating convention in New York during the week of May 8-14. It selected as candidate for President, for the fifth time, Eugene V. Debs, now serving a ten-year sentence for the violation of the Espionage Act. Seymour Stedman was chosen as the party's candidate for Vice-President. The platform adopted, presented by Morris Hillquit of New York, represented a victory for the more conservative element of the party. The convention declared its adherence to the Third International. — The **Committee of Forty-Eight, the Labor party, the Non-Partisan League** and several other groups decided to meet in Chicago early in July with a view to forming a coalition party. — On May 20 the Senate adopted the Borah resolution calling for an **investigation of pre-convention campaign expenditures** by presidential candidates. Senator Kenyon of Iowa was chairman of the committee. This committee's exposures reacted unfavorably toward the candidacies of General Wood and Governor Lowden, in whose behalf the largest sums had been spent. It appeared that considerably over $1,000,000 had been raised for Wood, more than half of that amount being contributed by Colonel William Cooper Proctor, his campaign manager. Governor Lowden's campaign fund was found to be over $400,000, most of which he himself had contributed; that of Senator Harding, $113,000; Senator Johnson's, $200,000; and that of Governor Cox, $22,000.

CONGRESS. — The **special session** of the **Sixty-sixth Congress,** which opened on May 19 (see last RECORD, p. 82), continued until November 19. The most important measures enacted were the appropriation acts left over from the previous Congress (see last RECORD, p. 85), the submission to the states of the equal suffrage amendment (see last RECORD, p. 83), the Prohibition Enforcement Law, the repeal of the Daylight-saving Law, the extension of the Lever Food and Fuel Control Act so as to include wearing apparel and other commodities, provision for the completion of the Alaskan railroad and a bill regulating the police force of the District of Columbia. Progress was made on the railroad bill, the federal budget and the reorganization of the military establishment. In the Senate much time was devoted

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to the discussion of the Peace Treaty with Germany.—The **Volstead Prohibition Enforcement Bill** (see last RECORD, p. 86), which had passed the House on July 22, was approved by the Senate with amendments on September 5. The conference report was accepted by the Senate on October 6 and by the House on October 10. The law as passed combines provision for the enforcement of war-time prohibition and the national prohibition amendment. It defines all beverages containing more than one-half of one per cent of alcohol as "intoxicating liquors", prohibits their manufacture and sale and provides stringent regulations for the prescription of liquors by physicians. Though it allows the possession of intoxicating liquors acquired before war-time prohibition, it places on the possessor the burden of proof that such liquor was lawfully acquired, possessed and used. It expressly allows a person to manufacture non-intoxicating cider and fruit juices exclusively for use in his home, but provides that they may not be sold or delivered except to persons having permits to manufacture vinegar. The enforcement of the provisions of the act is vested in the United States Commissioner of Internal Revenue, the Attorney General and state and local officers. For the fiscal year ending June 30, 1920, Congress appropriated $2,000,000 for the enforcement of the act by the Commissioner and $100,000 for the use of the Department of Justice. Heavy penalties are provided for violating the law. The bill was vetoed by President Wilson on October 27 on the ground that it was concerned "with the enforcement of an act which was passed by reason of the emergencies of the war, and whose objects have been satisfied by the demobilization of the army and navy." The President's veto was overridden in the House by a vote of 176 to 55, two hours after his veto message was received. On the day following the Senate repassed the bill by a vote of 65 to 20 (see *infra*, p. 69). — On August 15 the President vetoed a second time the bill to repeal the **Daylight-saving Law** (see last RECORD, p. 86). He emphasized the economic advantages that the law had brought and urged the farmers to acquiesce in it for the general good. The measure, which had received the approval of the House on June 18, was passed by the Senate on August 1. On August 19 the House passed the bill over the President's veto by a vote of 223 to 101; on the day following the Senate followed suit with a vote of 57 to 19. In neither house were party lines drawn. — The **rising cost of living** and the unrest this engendered led President Wilson on August 8 to deliver a special address to Congress. He attributed the major portion of the trouble to conditions arising out of the war and the transition period from war to peace—conditions which no legislative or executive action could guarantee to remedy—and took occasion to suggest that the speedy ratification of the Peace Treaty would do more to restore normal economic conditions than anything else.

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On the failure to act upon the Treaty he placed the blame, to a considerable degree, for underproduction, high prices and the consequent industrial unrest. The President, however, made the following concrete proposals to improve existing conditions: that Congress grant sufficient funds to the Departments of Commerce, Agriculture, and Labor, and the Federal Trade Commission, to enable these agencies to supply the public with information regarding the actual supply of various commodities, wholesale prices and cost of transportation; that the Food Control Act be extended so as to include other necessary commodities, that it be made a permanent policy and that "persuasive" penalties be imposed for profiteering; that Congress regulate cold storage and prescribe that "all goods released from storage for interstate shipment should have plainly marked upon each package the selling or market price at which they went into storage", and also require that all goods destined for interstate commerce be plainly marked with the price at which they left the producer; that a federal license, containing specific regulations to secure competitive selling and prevent unconscionable profits, be required of all corporations engaged in interstate commerce; that the pending bill for the control of the issue of corporate securities be made law in order to stop speculation and to prevent the fraudulent methods of promotion. —Steps were at once taken to carry out some of the President's recommendations. A bill introduced by Representative Hutchinson to require cold-storage warehouses to be licensed by the Department of Agriculture passed the House on September 30 but was not reported to the Senate until April 30. On August 13, at the suggestion of Attorney General Palmer, bills designed to carry out the President's recommendations relative to changes in the **Food Control Act** were introduced in both houses. A proposal to grant the power to fix prices in both peace and war times was abandoned, but a clause exempting from the operation of the act farmers, dairymen, gardeners *etc.*, was inserted. The bill passed the House on August 22. A Senate amendment, aimed at extortionate rents in the District of Columbia, caused considerable delay but was finally carried in the House under a special rule, the conference report being accepted by a vote of 208 to 8. The bill received the President's signature on October 22. It extended the Food Control Act so as to include clothing and food containers and makes hoarding and profiteering punishable by two years' imprisonment and a $5,000 fine. — The first **Deficiency Appropriation Bill** for 1920, approved November 4, contains a proviso exempting farm and labor organizations from prosecution under the Sherman Act.—Other measures that became law provide for increasing war-risk allowance for loss of eyes and limbs (August 6); conferring the permanent rank of General on Pershing (September 3); incorporating the American Legion (September 16); amending the

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Federal Reserve Act so as to allow banks to invest in the stock of corporations engaged in financing exports (September 17); increasing the number of officers in the army to 18,000 (September 17); authorizing absence of soldiers from homesteads when training under the Vocational Rehabilitation Act (September 29); appropriating $17,000,000 for the completion of the Alaskan railroad (October 18); improving the mail service in Hawaii (October 28); conferring citizenship on Indians in the military service (November 6); regulating immigration by extending the provisions of the Passport-control Act (November 10); and increasing the salaries of members of the Washington police force. In all, ninety-five public laws were passed during the special session. Twelve of these were appropriation acts and thirty-six, bridge bills. Joint resolutions were enacted authorizing the President to convene a meeting of the International Labor Conference in Washington on August 15; extending thanks to General Pershing and American troops (September 29); authorizing the appointment of an Ambassador to Belgium; increasing the compensation of certain postal employees and postmasters (November 7); and extending the war-time restrictions on the importation of dyes and coal-tar products (November 19). Only five private laws and one private resolution were passed.—Progress was made during the session in the consideration of a number of such highly important matters as **budget reform** and **permanent railway and military policies.** In each House a special committee was appointed to investigate the budget problem. The House committee, under the chairmanship of Representative Good, held hearings during September and October. The bill reported by the committee passed the House on October 21 and was reported in the Senate on April 13 (see *infra*, p. 58).—During the year 1919 numerous plans were put forth for the solution of the railroad problem (see last RECORD, p. 24), each of which was embodied in a bill introduced in Congress. Public interest in the railroad proposals was greatly intensified because of the serious labor difficulties involved. In the middle of July, Director General Hines, confronted with new demands for wage increases which, if granted, would greatly increase the railroad deficit, addressed a letter to the President urging that Congress be asked to provide a properly constituted body to pass on all railroad wage problems. This letter was forwarded at once to Mr. Esch, chairman of the House Committee on Interstate Commerce. The seriousness of the situation soon appeared when on August 1 over 135,000 shopmen quit work to enforce their demands. A general strike of all shopmen was threatened. The House, at the suggestion of the President, decided to forego a recess that had been agreed upon. The proposals of Mr. Hines and the President, however, did not result in action by Congress. The leaders took the position that the Railroad Administration and the President already

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had ample authority to meet the situation (see *supra*, p. 26). On October 23 the Senate railroad-organization bill, known as the **Cummins Bill,** was reported. In the meantime the House Committee on Interstate Commerce, on November 10, reported the **Esch Bill,** which was passed by the House one week later (see *infra*, p. 53).—The problem of the permanent military policy of the United States involved the critical issue as to whether the country should depend upon a regular army or to a large extent upon a system of universal military training. Late in July the Senate Committee on Military Affairs decided to hold hearings and make a thorough investigation of the problem. From August to December the committee amassed a large amount of data relative to the military policy of the United States. On July 31 Senator Chamberlain and Representative Kahn introduced identical bills in the two houses, providing for a system of **universal military training.** Six months' training was to be required of all youths between the ages of 18 and 20 years. The regular army was to be reduced to 225,000 men. On August 4 Secretary of War Baker submitted to the military affairs committees of the two Houses a draft of the bill prepared by the General Staff. This bill called for an army of 510,000 enlisted men for peace times, an army of 1,250,000 men for war and the reorganization and strengthening of the General Staff. The reserves were to be secured through a selective service act. A three months' period of training was provided for youths in their nineteenth year. At the hearings conducted by the Senate committee a number of army officers opposed this bill. In his report for 1919 the Secretary of War endorsed the bill prepared by the General Staff. No action was taken by Congress on any of the proposed measures.—On November 12 the House by a vote of 309 to 1 permanently **unseated Victor Berger,** Socialist Congressman-elect from Wisconsin, who had been convicted of sedition and disloyalty under the Espionage Act.—During the session some two hundred resolutions calling for **special investigations** or authorizing committees to send for persons and to take testimony were introduced. More than fifty of them passed. Never before did Congress show such zeal for investigation. — Long before President Wilson returned from Paris and laid before the Senate the Treaty of Versailles on July 10, there had been vigorous debate in the Senate on the proposed Covenant of the **League of Nations** (see last RECORD, pp. 80-84). During July opposition to the Covenant became more pronounced among Republican senators; and their opposition did not diminish as a result of their conferences with the President. It soon became evident that the Treaty could not secure the requisite two-thirds majority without some reservations, "interpretative" or amendatory, embodied in the ratifying resolution. A number of such reservations, suggested by ex-President Taft, Elihu Root and Charles E. Hughes, failed, how-

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ever, to bring the members of the Republican majority into harmony (see last RECORD, p. 85). On July 29 the President formally presented to the Senate the text of the **Franco-American-British treaty.** The Judiciary Sub-Committee reported on August 19 that the proposed pact was not in conflict with the Constitution. Early in August a group of seven Republican senators, known as "mild reservationists", proposed a program designed to protect American interests and yet preserve the substance of the League, in the hope of thus furnishing a middle-ground policy that would attract enough members of both parties to insure its acceptance. They agreed upon three reservations but came to grief in attempting to frame a reservation affecting Article X. The climax of the League debate came on August 12, when Senator Lodge, chairman of the Senate Committee on Foreign Relations, in an eloquent address assailed the League plan as a "deformed experiment" which would sacrifice American national interests to a "dangerous internationalism". The Senator denied that it was a league of peace and called it "an alliance dominated by the five great powers of the world". In the course of his speech Mr. Lodge urged five **reservations** along the line of those proposed by Elihu Root and Charles E. Hughes (see last RECORD, p. 84): 1. As to Article X, guaranteeing the territorial integrity of the members of the League, he wished to provide that Congress retain definitely the right to decide when and where American troops were to fight, thus making it impossible for the League to compel the United States to participate in any conflict without the consent of Congress. 2. Any action taken by the United States under Article XI, authorizing the League Council to pass upon any emergency of "war or threat of war" and to recommend such action as it might deem wise and effectual to safeguard world peace, he would make contingent on the consent of Congress. 3. He would not have the Monroe Doctrine subject to interpretation or construction by the League Council. 4. He would reserve purely domestic questions, such as immigration, the tariff and racial matters, entirely for American decision. 5. He would make the United States sole judge as to whether its obligations under the Covenant had been fulfilled, in case it should be decided to withdraw from the League.—On August 14 the President accepted Mr. Lodge's request for an appointment to meet the members of the Committee on Foreign Relations. This **unprecedented conference** was held at the White House on August 19, and a full report of the discussion was given to the press. The conference lasted over three hours, during which time a large number of questions were put to the President by the members of the committee, the majority of whom were hostile to the Treaty as presented to the Senate and to the President himself. At the opening of the conference Mr. Wilson stated that there could be no reasonable objection to interpretations accompanying the act

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of ratification "provided they do not form a part of the formal ratification itself". He expressed the conviction that if the United States qualified the treaty in any way, other countries would speedily follow the example with serious reservations, and that "the meaning and operative force of the treaty would presently be clouded from one end of its clauses to the other". Mr. Wilson replied freely to all the questions put to him. These involved the British League plan, the obligations of the United States under Articles X and XI, the Shantung settlement, the phraseology of the Covenant, the maintenance of American sovereignty in domestic policies, the Monroe Doctrine, the pact with Great Britain and France, as well as the Austrian, Bulgarian and Turkish treaties. The conference was marked by a spirit of courtesy. Although the President's views were made clearer, there is no reason to believe that the conference resulted in bringing the opposing elements any nearer to an agreement.—The Treaty of Versailles, immediately upon its presentation by the President, on July 10, was referred to the Senate Committee on Foreign Relations for report. The Treaty was read section by section, and **hearings** were held. At these hearings the committee obtained much information from a number of persons who had participated in the negotiations at Paris. Some of it was extremely useful information which the Senate had failed to secure from the President because of its confidential nature. Probably the most interesting testimony presented was that of **Secretary Lansing and William C. Bullitt,** an employee of the American Peace Mission to Russia, the stability and popularity of whose government he praised highly in his report. The Secretary admitted that most of the members of the American peace delegation opposed the Japanese demands in regard to Shantung and expressed the opinion that if the President had held out Japan would have yielded the point. The sensational feature of Mr. Bullitt's disclosures was his report of a confidential conversation with Secretary Lansing during which the latter had declared the League Covenant thoroughly bad and had intimated that if the Senate should thoroughly understand it, it would be rejected. Upon this testimony Mr. Lansing refused to comment. Later, however, he advocated the ratification of the Treaty.—On September 10 the **Foreign Relations Committee** presented its **report** to the Senate. It recommended the ratification of the Treaty provided that certain amendments were adopted and that the ratification was accompanied by reservations. The committee report was signed by nine senators including all the Republican members with the exception of Senator McCumber of North Dakota, who presented a dissenting report a few days later. On the day following, the six dissenting Democratic members submitted their minority report. In presenting the majority report Senator Lodge emphasized the responsibility of the Senate in the

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making of treaties. He complained that the committee had been hampered by the impossibility of securing full information, to which it was entitled, from those who conducted the negotiations. Of the forty-six **amendments** which the committee proposed only four were of great importance. These proposed: (1) to secure for the United States a vote in the Assembly of the League equal to that of any other powers; (2) to provide that where a member of the League has self-governing dominions and colonies which are all members of the League, the exclusion of disputants under the League rules (see last RECORD, p. 42) shall cover the aggregate vote of the member of the League and its self-governing dominions and parts of the empire combined, if any one is involved in the controversy; (3) to transfer to China the German lease and rights as they exist in the Chinese province of Shantung, which the treaty gives to Japan; (4) to eliminate the United States from participation in all commissions created under the Treaty, the Reparation Commission alone excepted, the American delegate, however, not to vote except in the case of shipping, where the interests of the United States are directly involved, except under instructions from the government of the United States. The committee proposed also four **reservations** to be made a part of the resolution of ratification. They were as follows: (1) The United States reserves to itself the unconditional right to withdraw from the League of Nations upon the notice provided for in Article I; (2) The United States declines to assume under Article X, or any other article, any obligation to preserve the territorial integrity or political independence of any other country, to interfere in controversies between nations or to accept any mandate under Article XXII, except by action of the Congress of the United States; (3) The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, declares domestic questions solely within its jurisdiction, and specifically declares immigration, coastwise traffic, the tariff and commerce to be domestic questions; (4) The United States declines to submit to arbitration or inquiry by the League of Nations any questions which in its judgment depend upon or relate to the Monroe Doctrine.—The **minority report**, signed by six Democratic members of the committee, urged the early ratification of the Treaty without amendments and without reservations.—Senator McCumber, in submitting his minority report proposing a series of substitute reservations, strongly attacked the Lodge report.—On September 3 President Wilson left Washington for an extended **speaking tour** in behalf of the Treaty and the League of Nations. During the month he delivered over thirty speeches, carrying the contest into the native states of some of his most pronounced opponents. The President was trailed by a number of United States senators, among them Senators Johnson, Borah, Reed and McCormick, who delivered

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speeches in opposition to the League. Both the President and his opponents were greeted by large audiences. The President's tour came to an abrupt end at Wichita, Kansas, on September 26 on account of illness. He reached Washington, September 28. In the months following he was allowed to undertake only the most pressing business. — In the Senate the formal debate on the Treaty was begun on September 15 and completed on October 20. During these weeks all the amendments proposed, both those of the Foreign Relations Committee and those proposed by members of the Senate, were debated and voted on. Not a single amendment was carried. The Republican leaders sought in vain to reach a unanimous agreement. Mr. Lodge strongly advocated direct amendments, and in this stand he was supported by thirty-six Republican Senators and Senators Reed and Gore, Democrats. A group of "middle-grounders", comprising twelve Republicans and three Democrats, opposed direct amendments but insisted upon qualifying reservations. Senator Hitchcock's group of forty "Administration Democrats" opposed all amendments, and the greater number of them, any qualifying reservations as well. Practically all of the members of the Senate took part in the debate, which was often intensely partisan. **The first division,** that on the thirty-five amendments designed to eliminate American participation on the commissions established under the treaty (see *supra*, p. 50), resulted in their defeat, on October 2, by a vote of 30 to 58. The second test took place on October 16, when by a vote of 55 to 35 the Lodge amendments were defeated. On October 27 Senator Johnson's amendment to equalize the votes of the United States and the British Empire was lost by a vote of 38 to 40, and on November 4 Senator Lodge's motion to strike out the sections dealing with the Shantung award was rejected by a vote of 26 to 41. — **The final debate on the reservations** began on November 6. In the meantime the Foreign Relations Committee had on October 24 reported a revised list of fourteen **substitute reservations,** the most important of which was a preamble declaring that ratification would not be binding on the United States until the reservations adopted had been accepted "as a part and a condition of said instrument by at least three of the four Principal Allied and Associated Powers, to wit: Great Britain, France, Italy and Japan." Other new reservations provided: that the United States withhold its assent to the Shantung provisions of the Treaty and reserve full liberty of action with respect to any controversy that might arise under them between China and Japan; that Congress provide by law for the appointment of representatives of the United States in the Assembly and the Council of the League of Nations; that until Congress had provided for the participation of the United States in commissions, tribunals, *etc.*, under the Treaty of Peace and defined the powers and duties of American

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representatives, no person should represent the United States under either the League or Treaty, and that no citizen of the United States be selected a member of such commissions *etc.*, except with the approval of the Senate; that the United States understand that the Reparation Commission will regulate or interfere with exports from the United States to Germany or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference; that Congress control all expenses of the United States commissions or other agencies organized under the League or the Treaty; that if the United States agree at any time to a plan for the limitation of armaments proposed by the Council of the League, it reserve the right to increase such armaments without the consent of the Council when threatened with invasion or engaged in war; that the United States reserve the right to permit the nationals of a covenant-breaking state to continue their commercial, financial and personal relations with those of the United States; that nothing in the Treaty be taken to approve any act otherwise illegal or in contravention of the rights of citizens of the United States; that the United States decline to accept any interest in or responsibility for the government or disposition of the overseas possessions of Germany renounced under the Treaty; and finally that the United States reserve to itself exclusively the right to decide what questions affect its honor or its vital interests—such questions not to be submitted under the Treaty either to arbitration or to the consideration of the League.—The real battle over these reservations reported by the Foreign Relations Committee began on November 7. The first vote was taken on the proposed preamble. All efforts to modify it were unavailing, and it was adopted by a vote of 48 to 40, three Democrats, Senators Gore, Reed and Walsh of Massachusetts, voting aye with the Republicans, and one Republican, Senator McCumber, voting nay with the Democrats. On the day following, the reservation relative to withdrawal from the League was adopted by a vote of 50 to 35, and on November 10 the one regarding Article X, a reservation which the President had denounced as "a knife-thrust at the heart of the covenant", was adopted precisely as recommended by the committee by a vote of 46 to 33, four Democrats voting with the Republican majority. The substitute reservations proposed by Senator Hitchcock were defeated—the one on Article X by a vote of 44 to 52. November 15 was spent in voting. Under the closure rule invoked by Senator Lodge, ten of the Foreign Relations Committee reservations were accepted by votes averaging 53 to 40, the Republican ranks remaining unbroken. On November 17 the last of the committee reservations, that excluding the League of Nations from acting on matters affecting the "honor and vital interests" of the United States, was defeated.—On November 19 the way was clear for

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decisive action. Before the Senate assembled the Democrats held a conference, at which Senator Hitchcock read a letter from the President in which "all true friends of the Treaty" were urged to refuse to support the Lodge resolution of ratification accompanied by a preamble and fourteen reservations. Debate continued throughout the day, each side attempting to outmanœuvre the other. The **crucial vote** came late at night on the question of ratification with the Lodge reservations. Thirty-nine Senators voted for ratification and fifty-five against. Of those favoring the resolution 35 were Republicans and 4 Democrats; of those opposing, 13 were Republicans and 42 Democrats. Republican senators irreconcilably opposed to the Treaty, even with reservations, voted with Administration Democrats, who wanted the Treaty accepted as presented by the President. A motion for unconditional ratification offered by Senator Underwood was lost by a vote of 38 to 53—one Republican, Senator McCumber, voting aye, and seven Democrats voting nay. Just before adjournment a concurrent resolution declaring the war with Germany at an end was referred to the Committee on Foreign Relations. The Senate adjourned *sine die* at 11:10 p. m. The country remained technically at war.—The **second session** of the **Sixty-sixth Congress** convened on December 1. On the following day President Wilson submitted his **annual message**, which, contrary to expectations, contained few references to the Treaty and the League of Nations. The President urged that a budget system be established; that the income and excess-profits taxes be simplified; that soldier-relief legislation, in harmony with the suggestion of the Secretary of the Interior, be enacted; that the chemical and dyestuffs industry be protected; that the production of the necessaries of life be encouraged; that the government's hands be strengthened for combating radicalism; that the Food Control Act be extended; that the cold storage industry be regulated; that goods destined for interstate commerce be marked with the price at which they left the hands of the producer; and that a federal license be required of corporations engaged in interstate commerce. The President devoted much space to the relations between capital and labor.—Congress at once began the consideration of important pending legislation. The House, on November 17, had passed the Esch Railroad Bill. The Cummins Bill was reported in the Senate on December 9 and passed on December 20. From that date until February 18 conferees were engaged in perfecting a measure satisfactory to both houses. The two bills differed in several particulars. The Cummins Bill laid down a definite rule of rate-making, instructing the Interstate Commerce Commission to make such rates as would give the roads in the aggregate a net income of 5½ per cent on their consolidated property value (there were elaborate provisions for the division of any earnings above that rate); the Esch Bill provided that the

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commission should fix "fair and reasonable" rates. The Cummins Bill provided for a transportation board to determine transportation needs and directed the Interstate Commerce Commission to grant rates sufficient to meet them; the Esch Bill directed the commission to keep informed on transportation needs and greatly extended its authority. The Cummins Bill contained a drastic anti-strike clause; the Esch Bill provided for voluntary mediation through adjustment boards. Both bills prescribed exclusive federal regulation of capital issues and expenditures and established federal regulation of intrastate rates affecting interstate commerce. The bills were in general agreement with respect to consolidation and competition.—The bill as agreed upon in conference followed the Cummins Bill in the all-important matter of the rule for rate-making. The House representatives succeeded in eliminating the anti-strike clause and the provision for a board of transportation. The clause prohibiting strikes met the determined opposition of labor. The compromise bill passed the House on February 21 by a vote of 250 to 150. The Senate adopted it two days later by a vote of 47 to 17. The President signed the bill on February 28. On March 1 the roads were returned to their owners (see *supra*, p. 25).—The Esch-Cummins Act establishes a **Railroad Labor Board** of nine members, with a tenure of five years, to be appointed by the President and confirmed by the Senate. Three members are to be nominated by railroad employees, three by employers and three without restrictions, to represent the public. To this board are to be submitted all controversies respecting wages or salaries and other disputes that are not decided by the boards of adjustment, that may be established by agreement between carriers and employees, and that seem likely to result in a substantial interruption of commerce. Decisions are to be made by a majority vote, but no decision can be made unless at least one member representing the public joins in the decision. There is nothing in the bill regarding the compulsory putting into effect of the awards of the board. It relies upon the force of public opinion. Moreover, the law provides that the powers of the Interstate Commerce Commission be extended. Competition between systems of roads is encouraged, and the merging of lines into systems is allowed; until September 1, 1920, the roads are guaranteed operating income equal to their compensation under government control; for a similar period wages may not be reduced, nor can rates be reduced without the consent of the Interstate Commerce Commission; for two years after March 1, 1920, a return of 5½ per cent plus ½ per cent for betterments is designated as a fair return on the property; the net indebtedness of a carrier to the government may be funded at the carrier's option; one-half of all earnings of individual carriers in excess of 6 per cent on the ascertained value of their property is to be paid to the gov-

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ernment; and a $300,000,000 revolving fund is created to assist carriers in financing their requirements during the transition period to private control.—On December 24 the President approved the **Edge Export Finance Bill,** amending the Federal Reserve Act so as to allow the organization of corporations to extend credit in Europe to stimulate export trade.—On the same day the **Sweet Bill,** increasing the compensation of disabled former service men and enlarging the classes of beneficiaries under the War Risk Insurance Act, was approved. The bill, which practically doubled the compensation for certain classes of disability, was strongly urged by representatives of the American Legion. — Legislation continuing federal control of sugar through 1920 and the licensing power of the United States Sugar Equalization Board until June 30 became effective on December 31 by the President's approval. — During the session much attention was given to bills for the **punishment of sedition** and the exclusion of radicals. On May 10 the President signed a bill which provides for the deportation from the United States of interned aliens and aliens convicted of war offenses, if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States. The decision of the Secretary of Labor is final. — On the last day of the session a bill for the **exclusion of anarchistic aliens** and defining radicalism became law. This measure had passed the House in December but was not reported in the Senate until June 1. The Senate amendments were accepted by the House. The measure excludes from admission aliens who are anarchists; those who advocate or are members of organizations that advocate opposition to government; those who "advise, advocate, or teach, or who are members of organizations that advise, advocate or teach: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer . . . of the Government of the United States . . . , or (3) the unlawful damage, injury or destruction of property, or (4) sabotage"; or those who write or circulate or who are members of or affiliated with organizations that write or circulate any written or printed matter advocating any of these things.—The **Sterling-Lehlback Law,** signed by the President on May 22, meets a long-felt need for an old-age pension law for federal civil service employees. It provides for the retirement of railway postal clerks at 62 years, mechanics, city and rural letter-carriers and post-office clerks at 65 years, and all others at 70 years. Employees able and willing to continue their duties after reaching the retirement age may do so for two periods of two years each, providing the head of the department and the Civil Service Commission approve. The yearly pensions range from $180 to $720, depending upon the salaries received and the length of service. Benefits are provided for those totally disabled by disease

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or injury. The minimum length of service is 15 years. To aid in providing the funds for pensions two and one-half per cent of employees' salaries are deducted. Those who leave the service have returned to them their contributions with interest compounded at 4 per cent. The law is applicable to some 300,000 federal employees.—On June 2 President Wilson approved a bill appropriating for the year ending 1921 the sum of $750,000 and for three years following $1,000,000 annually for the promotion of **vocational rehabilitation** of persons disabled in industry or in any legitimate occupation. The sums are to be allotted to the states in proportion to population. Federal allotments are made contingent upon state appropriations of equal amounts. The Federal Board for Vocational Education is empowered to cooperate with state boards in carrying out the act. — By an act of June 5 a **Women's Bureau** was established in the Department of Labor. The duties of the new bureau are to formulate standards and policies which promote the welfare of wage-earning women, improve their working conditions, increase their efficiency and advance their opportunities for profitable employment; and to investigate and report to the Department upon all matters pertaining to the welfare of women in industry. The director of the bureau is to be appointed by the President and Senate and is to receive an annual compensation of $5,000. — On June 3 both houses of Congress passed a measure to **increase the pay of postal employees.** The act affects approximately 300,000 employees. It became effective July 1 and increased the payroll for the first year by $34,375,000. Additional increases are provided for succeeding years. — During the session Congress enacted four measures of outstanding economic importance—the Transportation Act (see *supra*, p. 54), the Oil and Coal Land Leasing Act, the Water Power Act and the Merchant Marine Act.—The **Oil and Coal Act,** in conference since the first session, was agreed to in the House and Senate on February 10 and 11 and received the President's signature on February 25. The law authorizes the Secretary of the Interior to lease to persons and corporations deposits of coal, phosphate, sodium, oil, oil shale and gas, and lands containing such deposits, owned by the United States, including those in national forests.—The **Water Power Act,** signed by the President on June 10, assures that the immense water-power reserves of the country will be developed under public control. According to its provisions all water power over which the United States has jurisdiction will come under the control of the Water Power Commission, consisting of the Secretaries of the Interior, War, and Agriculture. Licenses for water-power development will run for 50 years. The commission fixes the sums the licensee must pay. The price of power to the consumer is fixed by the commission and the state commission, or if such a local agency does not exist, by the federal commission alone. At the expiration

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of a license the government may take over and maintain the property upon payment of an amount which shall in no case exceed the original cost. Licenses may be renewed. — The **Merchant Marine Act**, approved on June 5, is based upon the theory that the ships owned by the government should be sold and operated by private owners as soon as is consistent with a disposition of them on favorable terms of sale. The act provides for a **permanent Shipping Board** of seven members, each to receive $12,000 a year. The Emergency Fleet Corporation, which is the operating branch of the board, is continued until the last ship has been sold. Ships may be sold only to corporations in which a majority of the stock is held by American citizens, when engaged in overseas trade, and to corporations in which seventy-five per cent of the stock is owned by American citizens, when engaged in coastwise traffic. Purchasers can pay for vessels in 15 annual instalments. A "revolving fund" of $25,000,000, recruited from funds received from sales or the operation of vessels, is provided for five years to enable the board to establish shipping routes where private capital refuses to invest and to make loans to private owners attempting to carry out the board's instructions as to the establishing of new routes. — The **Army Reorganization Bill**, approved on June 4, differs materially from the bill originally proposed by the Senate. It provides for a regular peace-time army of 297,000 officers and men, including the Philippine Scouts; for the continuation of the National Guard on the present basis; and for the organization of an enlisted reserve corps subject to fifteen days' training duty a year except in case of war emergency. The Assistant Secretary of War is charged with the procurement of war supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of material and industrial organizations essential to war-time needs. Within the Department is created a permanent War Council, composed of the Secretary, Assistant Secretary, the General of the Army and the Chief of Staff, to determine military and munition problems.—On May 1 the President signed a **Civil War Pension Bill**, increasing the pension of veterans to $50 per month and providing: for total disability, $72; for lost limbs, $60 to $90; for widows, $30; and for each child, $6.—Increases were also granted to veterans of the Spanish-American War and the Philippine Insurrection. Persons who served in the armies are henceforth to receive from $12 to $30 per month, proportioned to the degree of inability to earn support. The act was approved June 5.—Congress passed the usual number of **appropriation bills** for the year 1920-1921. On June 14 Chairman Good of the House Committee on Appropriations gave out the following statement showing the amounts granted by the second session of the Sixty-sixth Congress: Agriculture, $31,712,784; Army, $392,558,365; Diplomatic and Consular, $9,218,537.91; District of Columbia,

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$18,373,004.87; Fortifications, $18,833,442; Indian, $10,040,655.27; Legislative, Executive, and Judicial, $104,735,726.11; Military Academy, $2,142,212; Naval, $433,279,574; Pensions, $279,150,000; Post-office, $462,575,190; River and Harbor, $12,400,000; Sundry Civil, $437,106,806.92. The total regular appropriation bills thus amounted to $2,212,126,298.78. When the permanent annual appropriations are added, the total rises to $3,575,895,279.07. Miscellaneous appropriations, amounting to $797,500,000, and deficiencies for the fiscal year 1920 and prior years, amounting to $486,495,048.23, must also be included. The **grand total** for the session, therefore, is $4,859,890,327.30. This total was almost one and one-half billion less than the estimates had called for.—No important revenue legislation was passed.—Other measures passed include: an act increasing the pay of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey and Public Health Service; an act authorizing the United States Grain Corporation to provide relief to populations of Europe; an act authorizing the Secretary of the Treasury to purchase certain federal farm-loan bonds; an act creating a zoning commission in the District of Columbia; an act incorporating the Roosevelt Memorial Association; and an act giving preference rights to soldiers in homestead entries. During the two sessions of the Sixty-sixth Congress 286 public laws and 52 public resolutions were passed. The private laws number 73.—Several other measures of the highest importance were passed but failed to become law because of presidential veto. Congress gave much time to budget reform. The Good Budget Bill passed the House on October 21 by an almost unanimous vote. The Senate on April 3 passed the McCormick Budget Bill in a modified form. The conference committee proposed a compromise measure establishing a budget bureau in the Treasury Department and creating an independent comptroller general. This measure passed the Senate on May 27 and the House on May 29. The **President vetoed the bill** on June 4 on the ground that it gave Congress authority to remove by concurrent resolution the comptroller general and his assistant, both to be appointed by the President. This provision the President held unconstitutional on the ground that the power to remove from office is an essential incident to the appointing power. He declared his sympathy with the objects of the bill. After the House had failed to pass the measure over the President's veto a new bill without the objectionable features was rushed through on June 5. It was not acted upon in the Senate. The House on June 1, however, voted to amend its rules to centralize in one committee on appropriations the authority to report all appropriation measures. This change marks a step in advance and is in harmony with the President's repeated recommendations.—Just before adjournment Congress voted to abolish most of the exceptional **war-**

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time powers which had been conferred on the Executive during the war. Some sixty different war-time acts were grouped for purposes of repeal in a single resolution passed by the House on June 3, by a vote of 343 to 3. The resolution passed the Senate unanimously on the day following. The President, however, kept his special powers by failing to sign the repeal resolution.—On May 29 the House passed with less than one hour's debate, under suspension of the rules, a bill appropriating more than $1,600,000,000 to provide **bonuses** for men recently in the military service. The vote stood 289 to 92. There was widespread opposition to the proposal, but it was passed under strong pressure by groups of ex-service men and their friends. The Senate did not act upon the measure.—On January 10 the House, by a vote of 328 to 6, for the second time refused to seat, on the ground of disloyalty, **Victor Berger,** Socialist Congressman-elect from a Milwaukee district. Mr. Berger had been reelected in December at a special election called because the House had denied him his seat (see last RECORD, p. 82).—On March 20 **Senator Newberry** of Michigan was convicted in the United States District Court of Grand Rapids for conspiracy to violate the federal statute limiting senatorial campaign expenditures. Two years in the federal penitentiary and a fine of $10,000 were imposed. A request for a ninety-day stay of execution was granted. On April 9 the Senate Committee on Privileges and Elections ordered a belated investigation of the 1918 Newberry-Ford campaign in Michigan. — The Democratic minority on April 27 unanimously elected **Oscar Underwood** of Alabama as leader, Senator Hitchcock's withdrawal ending a prolonged deadlock.—An interesting innovation was made by President Wilson when he signed, after the adjournment of Congress but within the ten-day period, a number of bills passed by Congress. This action was taken upon the advice of the Attorney General.—The Senate's rejection of the **Peace Treaty** on November 19 (see *supra,* p. 53) by no means ended its consideration by that body. Conferences between groups of senators endeavoring to reach a compromise were frequent. The President maintained silence on the Treaty until January 8, when in a letter to representative Democrats assembled to celebrate Jackson Day he came out strongly against textual changes. He intimated that the only way to find out what the people think of the matter would be to submit it at the next election in the form of a "great and solemn referendum". On the same occasion Mr. Bryan joined issue with the President, advocating immediate ratification of the Treaty by compromise on the part of Democrats if necessary. Meanwhile conferences continued, Article X being the chief stumbling-block. A compromise was reached on a modified preamble whereby reservations adopted would not require the specific acceptance of other powers (see *supra,* p. 51). Democrats had accepted with merely phraseological changes the Lodge reservations on

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mandates and domestic questions (see *supra*, p. 50), and the way seemed clear for compromises on several others. However, on January 30, it was announced that the bi-partisan conferences had failed. Senator Lodge stated that he was unable to agree to changes in the reservations dealing with Article X and the Monroe Doctrine. On February 9 the Senate, on motion of Senator Lodge, suspended the rules and permitted **reconsideration.** The vote stood 63 to 9, the negative votes being cast by the so-called irreconcilables. In the meantime, on January 31, **Viscount Grey,** Special Ambassador of Great Britain to the United States, had published in the London *Times* a letter in which he explained to his people the issues involved in the contest over ratification in the United States. On account of the co-ordinate treaty-making power guaranteed to the Senate by the Constitution, he denied that the charge of bad faith could be brought against the United States for its failure to ratify the treaty and that the Senate's action was inspired by party animus. He thought that it would be a great mistake to refuse the cooperation of the United States even if conditions were attached to it. The letter was endorsed by the British and French press and strengthened materially the position of senators supporting strong reservations. A few days before the publication of the letter the President had definitely asserted that the reservations drawn up by Senator Hitchcock, the Democratic leader, were acceptable to him.—On February 10 the Treaty was **reported back to the Senate with the Lodge reservations.** Six days later debate was resumed and continued almost daily until final action on March 19. On March 8 the President again addressed the minority leader in a letter in which he strongly opposed changes in Article X, declaring that "any reservation which seeks to deprive the League of Nations of the force of Article X cuts at the very heart and life of the covenant itself." He claimed that Article X had been opposed by every imperialistic influence in Europe, that such influences were seeking a return to power and that in France such influences, though defeated during the Conference, were in control again. This reference to the militarist spirit in France created an unpleasant impression in that country.—The Senate naturally failed to share the President's views and on March 15, after days of debate, adopted by a vote of 56 to 26, fourteen Democrats voting with the Republicans, a reservation respecting Article X even stronger than the one adopted in November. It was as follows: The United States assumes no obligations to employ its military or naval forces, its resources or any form of economic discrimination to preserve the territorial integrity or political independence of any country, or to interfere in controversies between nations—whether members of the League or not—under the provisions of Article X, or to employ the military or naval forces of the United States under any article of the Treaty for any purpose unless in any

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particular case the Congress, in the exercise of full liberty of action, shall by act or joint resolution so declare. — A fifteenth reservation was adopted on March 18. It declared that in consenting to the ratification of the Treaty the United States "adhere to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919" (see last RECORD, p. 86), and stated that when such government is attained by Ireland, "a consummation which it is hoped is at hand, it should promptly be admitted as a member of the League of Nations." This reservation was passed by a vote of 38 to 36. The other reservations were adopted by large majorities. When the **vote for ratification** was taken on March 19, seven votes were lacking for a two-thirds majority, the vote being 57 for and 37 against. The vote was divided politically as follows: for ratification, counting pairs, 34 Republicans, 23 Democrats; against, 15 Republicans, 24 Democrats. By a vote of 47 to 37 the **Treaty** was then **returned to the President** without ratification. — Out of the Senate's failure to ratify the Treaty there developed a new phase of American diplomatic and legislative history. On April 9 the House of Representatives by a vote of 242 to 150 passed a **resolution** which **declared the war with Germany** at an end. The Republican majority had hit upon a new plan of action to break the deadlock between the legislature and the executive. In the House only two Republicans opposed the resolution, while twenty-two Democrats voted with the Republicans. The resolution now went to the Senate, where it was referred to the Foreign Relations Committee of which Senator Lodge was chairman. On April 30 the committee by a strict party vote reported favorably a resolution drafted by Senator Knox, which was offered as a substitute for the House resolution. It proposed to repeal the joint resolutions of April 6, 1917, and December 7, 1917, declaring war on Germany and Austria-Hungary, respectively; requested that the President immediately open negotiations with the governments of those countries for the purpose of establishing friendly relations and commercial intercourse with them; and finally declared that although the United States had not ratified the Versailles Treaty it did not waive "any of the rights, privileges, indemnities, reparations or advantages to which it and its nationals have become entitled under the terms of the armistice . . . or which under the Treaty have been stipulated for its benefit. . . ." On May 13 the resolution was amended on motion of Senator Lodge so as to eliminate the request to the President that he negotiate a separate treaty with Germany. The **Knox resolution** passed the Senate on May 15 by a vote of 43 to 38, three Democrats, Senators Reed, Shields and Walsh of Massachusetts voting aye, and one Republican, Senator Nelson, voting nay. The House on May 21 by a vote of 228 to 139 adopted the Knox resolution. Nineteen Demo-

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crats and all but two Republicans supported it. During the debates in both houses opponents of the resolution took the ground that it meant a separate peace with Germany, something which advocates of the resolution themselves had previously called dishonorable; that it was an attempt to usurp the powers of the executive; and that it was indeed extraordinary for the United States to "seek the protection of a treaty which it has not had the courage to ratify". On May 27 the **President,** as had been expected, **vetoed the resolution.** The veto message declared: "I have not felt at liberty to sign this resolution because I cannot bring myself to become party to an action which would place ineffaceable stain upon the gallantry and honor of the United States." The following day a motion to override the veto failed by a vote of 219 yeas and 152 nays, 29 less than a two-thirds majority. This ended definitely all chances of final action on the Treaty and the League and created a major issue for the campaign of 1920 (see *supra*, p. 39).

FEDERAL JUDICIARY.—Among the more important decisions of the United States Supreme Court were the following: The printing and dissemination during the late war of pamphlets containing disloyal and abusive language about the government of the United States with a view to defeat the war plans of the United States and to throw the country into revolution, contrary to the Espionage Act, are not protected by the First Amendment to the Constitution guaranteeing freedom of speech and of the press (Abrams *et al. v.* United States, 250 U. S. 616).—Nor does this amendment prevent interference with the publication of false reports, designed to obstruct recruiting in the service of the United States and to promote the success of the enemies of the United States, or with conspiracies to accomplish such objects and to cause insubordination and disloyalty in the military and naval forces, since free speech is not an absolute right (Schaefer *et al. v.* United States, 251 U. S. 466).—The Sixth Amendment, guaranteeing the accused in a criminal case a trial by an impartial jury, is not violated by a provision of the Judicial Code which, though it gives a party a number of peremptory challenges, treats several defendants as one party (Stilson *v.* United States, 250 U. S. 583).—The government cannot make use of information against a corporation acquired in an illegal manner in a further action against a defendant, since the protection against unlawful searches and seizures guaranteed by the Fourth Amendment forbids such evidence to be used at all (Silverthorne Lumber Co. *v.* United States, 251 U. S. 385).—A Chinaman who has been in the United States and who has departed with the intention of returning is entitled under existing laws to a judicial determination of his right to do so, and a Commissioner of Immigration may not exclude him on the ground that his original entry was fraudulent (White *v.* Chin Fong, 40 S. C. R. 449).—A state constitution

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providing that "the defense of contributory negligence or assumption of risk, shall in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury", does not violate the Fourteenth Amendment, the states being under no necessity to maintain the familiar line between the functions of the jury and those of the courts (Chicago, R. I. & P. R. Co. *v.* Cole, 251 U. S. 54).—A bank's charter from a state legislature constitutes a contract protected by the federal Constitution, but no impairment of this charter, containing a provision that the business of the bank be controlled by its stockholders, results from the establishment of a state banking department maintained by small prescribed payments required of the banks examined (Bank of Oxford *v.* Love, 250 U. S. 603).—A state law vacating part of a waterway and conferring its title on a municipality does not impair the obligation of a complainant's contract with the state to excavate it, where such complainant has delayed for many years in the performance of the contract (Hays *v.* Port of Seattle, 251 U. S. 233).—When the United States has exercised its exclusive powers over interstate commerce so as to take possession of the field, the states may not supplement or annul the federal regulations; hence a state law prescribing that the last car of every train be equipped at its rear end with a platform 30 inches in width *etc.*, cannot be applied to interstate trains, the federal authorities having occupied this field of regulation (Pennsylvania R. Co. *v.* Public Service Commission of Pennsylvania, 250 U. S. 566).—When Congress, by the Act of 1910, brought under federal control the interstate business of telegraph companies and authorized contracts limiting to a refund of the price for transmission any liability on account of an unrepeated message, it, by such action, prevented a state from prohibiting a contract against liability for negligence (Postal Telegraph Cable Co. *v.* Warren-Godwin Lumber Co., 251 U. S. 27).—Due process is not denied a common carrier by a state law prescribing a certain rate and enforcing it by severe penalties, so long as an opportunity is allowed to test such a law in an appropriate judicial proceeding to determine whether it is confiscatory; nor is it contrary to due process for such law to provide that the penalties recoverable by private suit shall go to an aggrieved passenger rather than to the state. Though the Fourteenth Amendment limits the powers of the states to prescribe penalties for violations of their laws, the courts will interfere only when the penalties prescribed are so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable (St. Louis, I. M. & R. Ry. Co. *v.* Williams, 251 U. S. 63).—A license regulation imposed by a municipal corporation upon the business of an itinerant vendor who brings his goods from another state does not constitute a regulation of or burden upon interstate commerce when impartially enforced with respect to goods manufactured within and without the state (Wagner *v.* Coving-

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ton, 251 U. S. 95); but a state law imposing a license tax on the sale of gasoline brought into the state in tank cars or original packages and thus sold, is beyond the taxing power of the state, but such a tax on the selling of gasoline in retail quantities, though produced in another state and not discriminated against, is within the state's taxing power (Askren *v.* Continental Oil Co., 40 S. C. R. 355).—The regulation by a state public service commission of the price of gas transmitted by means of pipe lines from another state and sold directly to consumers does not, in the absence of federal regulation, amount to a regulation of interstate commerce, though it may affect such commerce. The service rendered is local and as such does not require general and uniform regulation of rates by congressional action (Pennsylvania Gas Co. *v.* Public Service Commission of New York, 252 U. S. 23).—A state law requiring carriers to furnish separate coaches for white and colored passengers, when made applicable to a railroad whose termini and stations are all in the state but which is operated by another corporation whose lines extend into an adjoining state and which carries passengers for a single fare from the state to the one adjoining, though it may incidentally affect interstate commerce, is not an unconditional regulation of such commerce (S. Covington & Cincinnati Ry. Co. *v.* Kentucky, 40 S. C. R. 378).—The Seamen's Act authorizing seamen, including those on foreign vessels while in American harbors, to demand one-half of the wages which they shall have then earned at every port and declaring void any stipulations in their contracts to the contrary, may be applied to contracts made in foreign countries, since the plenary power of Congress over foreign commerce authorizes it to prescribe the conditions upon which foreign vessels may enter American ports (Strathearn S. S. Co. *v.* Dillon, 40 S. C. R. 350).—A holding company organized by competing manufacturers of iron and steel products, though it be greater in size than all its competitors, will not be dissolved under the Sherman Law when there is no evidence that a monopoly was actually achieved. Though such a company because of its size was in a position to dominate the steel trade, it may not be considered in the absence of evidence that it did so. The Sherman Act is directed against the realization of monopoly (United States *v.* United States Steel Corporation, 251 U. S. 417).—Contracts for the insertion of advertisements in periodicals that are distributed in interstate commerce do not constitute interstate commerce and hence may not be made the basis of an action under the Sherman Law for damages resulting from an attempt to monopolize the advertising business (Blumenstock Bros. Advertising Agency *v.* Curtis Publishing Co., 40 S. C. R. 385).—The ownership by a holding company of a controlling interest in a coal mining company which owned almost two-thirds of the land in one of the three large Pennsylvania coal fields and in a railroad over

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which such coal must find access to interstate commerce constitutes a combination to restrain interstate commerce unduly, contrary to the Sherman Act. "For flagrant violation of the Anti-Trust Act, the relations between the Reading Company, the Reading Railway Company and the Reading Coal Company . . . must be so dissolved as to give to each of them a position in all respects independent and free from stock or other control of either of the other corporations" (United States *v.* Reading Co., 40 S. C. R. 425).—A state compensation law authorizing an industrial commission, in its discretion, to make an award not to exceed $3,500 in case of an injury resulting in serious facial or head disfigurement, does not deprive an employer, ordered to pay such an award, of his property without due process (N. Y. Cent. Ry. Co. *v.* Bianc, 250 U. S. 596).—The recent amendment to the federal judicial code providing that the United States District Courts shall have original jurisdiction "of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, *and to claimants the rights and remedies under the workmen's compensation law of any state . . .*" attempts to allow states to prescribe compensation for injuries of employees engaged in maritime work. This is beyond the power of Congress, since its exclusive powers to legislate concerning maritime matters cannot be delegated to the states, since such delegation would destroy the uniformity contemplated by the Constitution (Knickerbocker Ice Co. *v.* Stewart, 40 S. C. R. 438).—A railway trainman operating a train of loaded cars from a mine to yards several miles distant is engaged in interstate commerce when the ultimate destination of some of the cars is outside the state. Hence the state Workmen's Compensation Act does not apply in the case of injury or death to such employee (Philadelphia & R. Ry. Co. *v.* Hancock, 40 S. C. R. 512).—A state law requiring the inclusion of the franchise as property when assessing the property of a railroad for the improvement of a highway does not add the value of personal property to that of real estate, but is a proper mode of determining the value of the company's road and hence does not deny the railroad the equal protection of the laws by discriminating against it in favor of other owners of real estate. Moreover, the legislature's determination of the area benefited by improvements is conclusive except when arbitrary, capricious or confiscatory (Branson *v.* Bush, 251 U. S. 182).—Neither under the income-tax amendment nor otherwise may Congress tax without apportionment a stock dividend made lawfully and in good faith, or the accumulated profits behind it, such dividends not being income (Eisner *v.* Macomber, 40 S. C. R. 189).—Just as a state may impose general income taxes on its own citizens and residents subject to its control so it may levy like taxes, not more onerous in effect, upon incomes accruing to non-residents from their

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property or business within the state. Moreover, a state income-tax law does not deprive non-residents of their privileges and immunities or equal protection when it permits residents to deduct from their gross income losses incurred within or without the state while it permits non-residents to deduct only those incurred within the state, since non-residents are taxed only on incomes from sources within the state while residents are taxed on income from all sources (Shaffer *v.* Carter, 252 U. S. 37).—However, a state income-tax law which allows personal and family exemptions to residents but not to non-residents violates the constitutional provision that the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states (Travis *v.* Yale & Towne Mfg. Co., 252 U. S. 60).—A state may without violating the Fourteenth Amendment tax a corporation that owns stock in other corporations each of which pays full taxes, since that amendment does not forbid double taxation, short of confiscation. It may also tax its own corporations in respect of the stock they hold in other domestic corporations although it exempts unincorporated stockholders (Fort Smith Lumber Co. *v.* Arkansas, 251 U. S. 532).—A state law taxing the income of a resident of the state from a trust administered under the laws of another state in securities held by a trustee in such other state does not violate the due-process clause of the Fourteenth Amendment (Maguire *v.* Trefry, 40 S. C. R. 417).—A state law which imposes upon domestic corporations doing business both within and without the state—a tax on incomes derived from sources without the state, but which exempts domestic corporations doing no part of their business within the state from such a tax, is invalid as denying the equal protection of the laws, the classification being arbitrary (Royster Guano Co. *v.* Virginia, 40 S. C. R. 560).—A state inheritance-tax law, taxing the right to succeed to property in the state on the death of a non-resident owner, which imposes on the succession within the state a tax equal to such part of the tax that would be due if the entire property were within the state as the local property bears to the entire estate, is not wanting in due process and does not violate the privileges and immunities clause (Maxwell *v.* Bugbee, 250 U. S. 525).—A city ordinance requiring every street car to be operated by a conductor and a motorman is a reasonable exercise of the police power in the interests of public safety and may not be disturbed by the courts in the absence of evidence showing the regulation to be clearly arbitrary and oppressive (Sullivan *v.* Shreveport, 251 U. S. 169).—A common carrier cannot, by making contracts for future transportation or by mortgaging its property or pledging its income, prevent or postpone the exertion by the state of the power to regulate the carriers' rates and practices (Producers' Transp. Co. *v.* Ry. Commission of Cal., 251 U. S. 228).—A state statute when interpreted by the state court as permitting no judicial review of the orders

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of a commission fixing rates except as the result of an appeal in contempt proceedings for violations of such orders when the violations are punishable by a penalty of $500 per day, does not satisfy the constitutional requirements of judicial review (Oklahoma Operating Co. *v.* Love, 40 S. C. R. 338).—Though a state may not impose taxes for a private purpose under the Fourteenth Amendment, when the legislature of a state and the highest court of a state declare that the purpose for which taxes are raised is of a public nature the Supreme Court will interfere only when it is clear beyond reasonable controversy that the Constitution has been violated. Hence the laws of North Dakota creating an industrial commission; establishing a bank operated by the state and authorizing bonds to create capital for such bank; providing for the establishment of state warehouses, elevators *etc.;* and providing for the building of homes for residents — do not take property without due process (Green *v.* Frazier, 40 S. C. R. 499). —A state may not alter the methods of acting upon amendments to the federal Constitution laid down in that instrument; hence an amendment to the constitution of Ohio, providing that the people reserve to themselves the legislative power of the referendum on the action of the General Assembly ratifying any proposed amendment to the constitution of the United States, is unconstitutional. The framers when they provided for the ratification of federal constitutional amendments by state "legislatures" meant the representative body which makes the laws of the people (Hawke *v.* Smith, 40 S. C. R. 495).—The War-Time Prohibition Act of November 21, 1918, providing "that after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President . . . it shall be unlawful to sell for beverage purposes any distilled spirits", does not violate the Fifth Amendment as taking private property for public purposes without compensation. Moreover, the phrase "conclusion of the war, *etc.*," refers to the ratification of the peace treaty (Hamilton *v.* Kentucky Distilleries & Warehouse Co., 251 U. S. 146).—By the War-Time Prohibition Act and the Volstead Act Congress under its war-time power validly prohibited the manufacture of all beer and other malt liquors containing as much as one-half of one per cent of alcohol (Ruppert *v.* Caffey, 251 U. S. 264).—The Eighteenth Amendment to the federal Constitution was properly ratified by three-fourths of the state legislatures, the referendum provisions of state constitutions being inconsistent with Article V of the United States Constitution; the prohibition of the manufacture, sale *etc.*, of intoxicating liquors for beverage purposes is within the power to amend reserved by Article V; the amendment is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers and individuals within those limits, and of its

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own force invalidates every legislative act, whether by Congress, by a state legislature, or by a territorial assembly, which authorizes or sanctions what it prohibits; the clause of the amendment declaring "The Congress and the several states shall have concurrent power to enforce this article by appropriating legislation" does not enable Congress or the states to defeat or thwart prohibition, but only to enforce it by appropriate means; the words "concurrent power" do not mean joint power or require that legislation thereunder by Congress, to be effective, shall be approved by the states, nor that the power to enforce is divided between Congress and the states along the lines which separate foreign and interstate commerce from intrastate affairs; the power given to Congress, while not exclusive, is in no wise dependent on or affected by action or inaction on the part of the states; while there are limits beyond which Congress cannot go in treating beverages as within its power of enforcement, those limits are not transcended by the Volstead Act, wherein liquors containing as much as one-half of one per cent of alcohol by volume and fit for use for beverage purposes are treated as within that power (Rhode Island *v.* Palmer, 40 S. C. R. 486).—The treaty between the United States and Great Britain regulating the killing and sale of migratory birds is a proper exercise of the treaty power delegated to the federal government by the Constitution, since the states have no ownership of such birds nor exclusive authority over them (Missouri *v.* Holland, 40 S. C. R. 382).—An act of Congress, so far as it imposes a tax on the salaries of federal judges, violates Article III, section 1, of the Constitution, providing that the compensation of such judges "shall not be diminished during their continuance in office" (Evans *v.* Gore, 40 S. C. R. 550) (see *infra, Prohibition*).

PROHIBITION.—War-time prohibition, enacted as a rider to the Food Stimulation Bill 10 days after the signing of the armistice, became operative July 1, 1919, Congress having refused to comply with President Wilson's recommendation that the ban on beer and light wines be lifted (see last RECORD, p. 91). The law declared that prohibition was to remain in force until the conclusion of the war and thereafter until the termination of demobilization, the date to be determined by the President. A number of difficult problems were at once raised, among them the alcoholic content necessary to make a beverage intoxicating and the time when demobilization should be deemed completed. In respect to the first question the rulings of the courts were conflicting, hence in some states beer containing 2.75 per cent alcohol continued to be manufactured and sold on the ground that it was non-intoxicating. The Attorney General on June 30 said: "My course with respect to beer containing less than 2¾ per cent alcohol—which it is claimed is not intoxicating—will depend upon the rulings which will soon be made by the district courts in which cases

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are now pending or in which other cases may be brought. . . . But with respect to whisky, brandy, and other distilled spirits, wine, and beer containing more than 2¾ per cent of alcohol . . . the prohibition is beyond controversy." Since the President maintained his position that he had no legal authority to lift the ban on intoxicating liquors, without congressional action, until peace was declared, and since the treaty was deadlocked in the Senate, liquor manufacturers and dealers became convinced that there would be no period in which they could wind up their business before the Eighteenth Amendment would go into effect, on January 16. In the meantime Congress was hastening the passage of the **Volstead Act,** which combined provisions for the enforcement of war-time prohibition and of prohibition under the Eighteenth Amendment. This act, which became law on October 28 over the President's veto (see *supra,* p. 44), declared all liquors containing one-half of one per cent of alcohol or more intoxicating and prohibited.—The War-time Prohibition Act was attacked on constitutional grounds. In Kentucky and Rhode Island it was held unconstitutional, but in New York it was upheld. Before the Supreme Court of the United States it was contended that the law was void when enacted on the ground that it violated the Fifth Amendment to the Constitution by taking property without due compensation; that it became void before the suits in question were brought, by the passing of the war emergency; that it was abrogated or repealed by the Eighteenth Amendment, which gave a year's time for the disposal of liquor; and that by its own terms it expired because it extended only to the end of demobilization, which, it was claimed, had ended. All of these contentions were held groundless by the court in a unanimous decision made on December 15.—A few weeks later, on January 5, the court upheld as constitutional the war-time prohibition section of the Volstead Act, which defines beverages of one-half of one per cent of alcohol as intoxicating, but dismissed indictments brought against certain brewing companies for manufacturing and selling 2.75 per cent beer before the Volstead law became effective. — Not only war-time prohibition was questioned in the courts. The **Prohibition Amendment** itself was **attacked.** Soon after the proclamation of the adoption of the amendment, in January, 1919, the Distillers' Association of America announced that the ratification of the amendment by those states whose constitutions make provisions for referenda on legislative action, would be contested. Immediate steps were taken to invoke the referendum in such states. "The people in these states (14) under their constitutional referendum rights", said the announcement, "are a part of the law-making body. Until they have voted upon the proposition, there has been and can be no legislative action." The supreme courts of Ohio and Washington decided that the amendment should have been referred to the people; the supreme court of

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Oregon held that this was unnecessary. A further complaint brought against the amendment was that the section conferring concurrent authority upon Congress and the states in the enforcement of the amendment violated fundamental constitutional principles in respect to the division of powers between the national government and the states. In several states measures were passed authorizing the manufacture and sale of beverages containing a larger amount of alcohol than the Volstead Act allowed. New York under the **Walker Law** permitted 2.75 per cent; New Jersey, 3.50 per cent. On June 1 the United States Supreme Court, in the case of Hawke *v.* Smith (see *supra*, p. 67), reversed the decision of the Ohio supreme court and decreed that the action of the several state legislatures on amendments to the constitution of the United States is final. The court held that "the makers of the Constitution had in mind and determined that the Legislature of the State was the representative mouthpiece of the State in relation to the Federal Government." The provision of the Ohio constitution requiring a referendum on the ratification of amendments was declared void. The other cases before the court were disposed of on June 7. Every contention raised against the validity of the enforcement act and of the amendment was swept aside. On the main issues the court was unanimous. The court in effect held: that the **Eighteenth Amendment** was **legally adopted** and in every respect effective; that prohibition applies to liquor manufactured before the adoption of the amendment as also to that manufactured thereafter; that the phrase "concurrent-power" in the amendment does not reserve to the states any express rights equal to that of the national government, in the matter of enforcement; that state laws granting the right to produce and consume light wines and beers of not more than a certain alcoholic content are invalid; and that Congress has the authority to declare what is and what is not an intoxicating liquor. — The liquor question was an issue in a number of elections last November. **New Jersey** elected a governor on an anti-prohibition platform (see *infra*, p. 72).—In **Massachusetts** a majority of the cities and towns in which the question was submitted instructed their senators and representatives to legalize the sale of four per cent beer. — The voters of **Ohio** rejected by 26,000 votes a stringent law for the enforcement of the state prohibitory amendment; by 30,000 votes an amendment declaring that no beverage containing 2.75 per cent of alcohol should be deemed intoxicating; by 41,000 votes an amendment proposing to repeal state-wide prohibition and by 500 votes the ratification of the federal prohibition amendment.—In **Kentucky** a state prohibition amendment was carried by a majority of 10,000.

WOMAN SUFFRAGE. — The **Anthony Suffrage Amendment,** adopted early in the first session of the Sixty-sixth Congress (see last

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RECORD, p. 91), had been ratified by thirteen states on August 1, 1919: Illinois, Wisconsin, Michigan, Kansas, New York, Ohio, Pennsylvania, Massachusetts, Texas, Iowa, Missouri, Arkansas and Montana. The campaign for ratification was conducted vigorously by suffrage leaders. The following states ratified during the period under review: Nebraska, August 2; Minnesota, September 8; New Hampshire, September 10; Utah, September 30; California, November 1; Maine, November 5; North Dakota, December 1; South Dakota, December 4; Colorado, December 12; Rhode Island, January 6; Kentucky, January 6; Oregon, January 12; Indiana, January 16; Wyoming, January 27; Nevada, February 7; New Jersey, February 10; Idaho, February 11; Arizona, February 12; New Mexico, February 19; Oklahoma, February 28; West Virginia, March 10; and Washington, March 22. **Thirty-five** of the thirty-six states required for ratification thus accepted the amendment. The states that **refused to ratify** were: Georgia, July 24, 1919; Virginia, September 3; Alabama, September 17; Mississippi, January 21; South Carolina, January 22; Maryland, February 17; Delaware, April 1; Louisiana, June 15. The states that did not vote on the amendment were Connecticut, Vermont, Tennessee, North Carolina and Florida. Of the thirty-five state legislatures that ratified the amendment, twenty-five did so in special sessions. Ten states ratified in regular sessions: Illinois, Wisconsin, Kansas, Ohio, Pennsylvania, Massachusetts, Texas, Rhode Island, Kentucky and New Jersey.—There are now **fifteen equal suffrage** states: Arizona, California, Colorado, Idaho, Kansas, Michigan, Montana, Nevada, New York, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. Thirteen others have granted presidential suffrage: Illinois, Indiana, Iowa, Kentucky, Maine, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Rhode Island, Tennessee, and Wisconsin. In Arkansas and Texas women may vote in primary elections. The conflict over ratification was bitter in a number of states, particularly in West Virginia and Delaware. Persistent attempts to have the governors of Vermont and Connecticut call special sessions of the legislature to act upon the amendment failed. The advocates of suffrage were spurred on in their endeavors by the desire to have the amendment ratified in time to allow the women of the entire country to participate in the 1920 presidential election.

STATE AFFAIRS. — During the year under review six states elected **governors**: Kentucky, Massachusetts, Maryland, Mississippi and New Jersey, in November; and Louisiana, in March. Democratic candidates were successful in all but the first two states mentioned.—The contest which aroused the greatest national interest was that in **Massachusetts,** where Governor Calvin Coolidge, Republican, defeated Richard H. Long, his Democratic opponent, by a majority of 124,000. This result was accepted everywhere as a vindication of the Gover-

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nor's position during the Boston police strike in September. Many Democrats, disgusted with their candidate's espousal of the police strikers and opposed to their party's catering to the Irish vote, helped to elect the whole Republican ticket. The legislature remained Republican.—In **New Jersey** State Senator Edward I. Edwards, Democrat, was elected over Newton A. K. Bugbee, the Republican candidate, by approximately 15,000 votes. The new governor made his campaign largely on an anti-prohibition platform. The legislature, however, remained strongly Republican. — The November election in **Maryland** was the closest ever held in the state. Albert C. Ritchie, the Democratic candidate for Governor, was elected over Harry W. Nice, Republican, by a plurality of 165. The legislature was carried by the Democrats. — In **Kentucky** Edwin P. Morrow, Republican, defeated Governor J. D. Black, Democrat, by a majority of 40,000. The legislature likewise passed from the Democratic to the Republican column. —Lee M. Russell, Democrat, was elected governor of **Mississippi** without opposition. He won the nomination in the Democratic primaries by about 8,000 majority.—In **Louisiana** John M. Parker was nominated at the Democratic primary on January 20 over Col. Frank P. Stubbs.—In **Nebraska** and **Illinois** delegates to **constitutional conventions** were chosen at the November elections. In the former state the Non-Partisan League made a strenuous campaign. Twenty avowed league candidates and thirty-five radical candidates entered the campaign, but only four leaguers and seventeen radicals were elected. The conservatives numbered about eighty. The Nebraska convention convened at Lincoln on December 2 and after seventy-four days of deliberation adopted forty-one amendments. The most important of these provide: that the legislature may allow verdicts to be rendered in civil cases in any court by five-sixths of the jury; that it may regulate the rights of aliens in respect to the acquisition, ownership, enjoyment or descent of property; that the English language be the medium of instruction in all common schools; that the number of petitioners required to invoke the initiative and referendum be reduced; that new executive officers be created only by a two-thirds vote of both houses of the legislature; that the heads of executive departments established by law be appointed by the governor with the consent of a majority of the senate and the house of representatives in joint session; that the governor present a "complete itemized budget of the financial requirements of all departments, institutions and agencies of the state", the legislature to reduce items and to increase them only by a three-fifths vote, these increases not to be subject to the governor's veto; that the power of judicial review be restricted by requiring five of the seven judges of the supreme court to concur in declaring a legislative enactment unconstitutional; and that no appropriations be made to sectarian or denominational schools

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or to any educational institution not exclusively owned and controlled by the state. The amendments will be voted on at a special election to be held on September 21. — The Illinois convention, thoroughly dominated by the Republicans, contains two delegates from each of the 51 senatorial districts. Under the state advisory referendum process, the voters expressed themselves in favor of incorporating in the new constitution provisions for the initiative and referendum and state or municipal ownership of public utilities. The convention is still (July 1) in session.—The **New Hampshire constitutional convention,** which assembled and adjourned without action in 1918, reassembled and submitted seven amendments to the constitution. The most important provide that the legislature be given power to impose an income tax; that the constitutional provision allowing conscientious objectors exemption from military duty be repealed; that the governor be empowered to veto items of appropriation bills; that the words "rightly grounded on evangelical principles" and "Protestant" in that portion of the bill of rights relating to the encouragement of public worship and the right of electing religious teachers be stricken out; and that the membership of the house of representatives be reduced.—As usual a large number of **constitutional amendments** were voted on in the November elections. In Kentucky, state-wide prohibition was approved. The new text of the Massachusetts constitution, consisting of a rearrangement of the document and an incorporation of the numerous amendments already adopted, was accepted. New Mexico provided for absent voting of electors in military or naval service. In New York an amendment providing for absent voting was adopted as was also an amendment providing for the drainage of swamp lands. Amendments to increase salaries of legislators and judges of the court of appeals were defeated. Ohio rejected proposals to classify property for taxation purposes, to repeal state-wide prohibition and to declare beverages containing 2.75 per cent alcohol intoxicating.—In Texas a legislative proposal to call a constitutional convention was decisively rejected, as were also several amendments proposing bond issues.—In 1920 **regular legislative sessions** were held in eleven states: Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, South Carolina and Virginia. Special sessions were called in several other states (see *infra*, p. 75). — The legislature of **Maryland** enacted two measures of outstanding importance—one providing for the "merit system" and the other for a centralized state purchasing department. The enforcement of the civil service law was placed in the hands of a single commissioner appointed by the governor for a six-year term. The law exempts many officers from the classified service but gives the governor of the state the power to classify them. —The **Massachusetts** General Court passed a daylight-saving law;

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authorized amateur sports on Sunday afternoons; granted relief to tenants in the housing crisis; provided for the appointment of a fuel administrator; extended the existence of the commission on the necessaries of life; authorized the purchase of 100,000 acres of waste land for reforestation; regulated billboard advertising; and provided facilities to enable women to vote as soon as the Anthony Amendment is ratified. In all, 629 acts and 89 resolves were passed. Governor Coolidge vetoed several measures, among them a 4 per cent beer bill and a bill providing for the censorship of motion pictures.— The **Rhode Island** legislature, besides ratifying the suffrage amendment and enabling women to vote when the 19th amendment is ratified, authorized a $500,000 bond issue for highways, allowed cities and towns to increase their tax assessments and amended the state compensation law. — The legislature of **South Carolina** enacted an important state highway bill. — The outstanding features of the 1920 session of the **New York** legislature were the expulsion of the Socialist assemblymen; the consideration of Governor Smith's reconstruction program and his welfare measures; the housing measures; the sedition bills; and certain measures increasing the salaries of teachers.—On January 7, after the House had organized, Speaker Sweet ordered the sergeant-at-arms to bring the five **Socialist members** to the bar of the assembly. The speaker charged them with belonging to a party disloyal to the government and with having been elected on a "platform that is absolutely inimical to the best interests of the State of New York and of the United States." A resolution asking that their exclusion be referred to the judiciary committee to be appointed by the speaker was adopted without debate and with but a few opposing votes. After its passage the Socialist members were conducted out of the assembly. After a long trial by the committee, at which testimony was admitted on the theories of bolshevism, socialism, religion, the family, private property *etc.*, at the end of March, so late that there could be no new election to fill the vacancies, the committee reported in favor of expulsion. This report was approved by a vote of 116 to 28 in the case of three men and 104 to 40 in that of the other two. This unprecedented action has been widely criticized as contrary to the foundation principles of representative government. — The constitutional amendments advocated by the **State Reconstruction Commission** for an executive budget, for lengthening the governor's term to 4 years and for reorganizing the large number of widely-scattered administrative boards and commissions into 19 departments, all failed to pass. However, three alternative amendments to the same general effect as the amendment proposing to reorganize the administrative departments were adopted and will come before the next legislature for second approval. Another amendment adopted provides

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for a legislative instead of an executive budget.—Three **sedition bills,** introduced by the Lusk Committee, providing for a bureau of secret police in the office of the attorney general, for the licensing of all schools and school courses, and for loyalty tests for teachers, were all vetoed by the governor, as were also the bills making members of the Socialist party ineligible for political action and making ineligible for office any member of a party which the courts might regard as endangering the government by its principles.—One of the bills for **relieving the housing conditions** provides that an increase of rent that is over 25 per cent more than the rent one year before is presumptively unjust and unreasonable.—On the last day of the session a bill making substantial **increases in the salaries of teachers** in the public schools of the state was enacted. The bill appropriates $20,500,000 for the purpose.—Bills providing for bringing all industrial illness under the Workmen's Compensation Law; for a minimum-wage commission; for extending the 8-hour day to all women and minors in mercantile and industrial establishments; and several other welfare measures, failed to pass.—The Walker-Gillett Bill, defining intoxicating liquors as those "containing more than 2.75 per cent of alcohol by weight, was passed and signed by the governor.—The legislature of **New Jersey** passed over Governor Edwards's veto, on May 11, a measure which, if ratified at a referendum in November, will authorize a bond issue of $28,000,000 to finance New Jersey's share of the cost of constructing a Delaware River bridge between Camden and Philadelphia and a Hudson River vehicular tunnel between Jersey City and New York. On March 2 Governor Edwards signed a bill permitting the manufacture and sale in New Jersey of beverages containing 3.50 per cent of alcohol.—The **Ohio** legislature, which first met on January 6, 1919, reconvened in December. The session lasted in all about 13 months. The legislature reorganized the state's health service; increased the legal rate of fare on steam and interurban railways from two to three cents a mile; passed a new state highway act; prohibited the teaching of German in the elementary grades of public and parochial schools; defined and provided for the punishment of criminal syndicalism; passed a law prohibiting the flying of the red flag in parades; and enacted a veteran preference measure. — The **special sessions of state legislatures** were concerned for the most part with the federal equal-suffrage amendment (see *supra*, p. 71). The Indiana special session, however, revised the tax laws; created a bi-partisan state highway commission to have control of the construction and maintenance of all state highways and of the federal funds apportioned to the state; repealed the two-cent railway fare; and authorized women to vote for presidential electors.—During the year 1919 there occurred in the United States 84 **lynchings.** Of the victims 78 were negroes, 4 were whites, and 2 were Mexicans. They

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were distributed among the states as follows: Alabama, 8; Arkansas, 10; Colorado, 2 (both Mexicans); Florida, 5; Georgia, 21; Kansas, 1 (white); Louisiana, 8; Mississippi, 13; Missouri, 2 (1 white); Nebraska, 1; North Carolina, 4; South Carolina, 2; Tennessee, 1; Texas, 3; Washington, 1 (white); and West Virginia, 2. During the first six months of 1920 the number of known lynchings fell to 12, of which one was a white person. The distribution of the twelve was as follows: Alabama, 2; Arkansas, 2 (1 white); Florida, 1; Kansas, 1; Kentucky, 1; Minnesota, 3; South Carolina, 1; and Texas, 1.

MUNICIPAL AFFAIRS.—A number of important **municipal elections** were held in November. In **New York City** Tammany suffered a severe defeat. Fiorella H. LaGuardia, Republican, was elected as president of the Board of Aldermen over Robert L. Moran, holder of the office, by a plurality of about 1400 out of nearly 1,000,000 votes cast. Henry H. Curran, Republican, was elected as president of the Borough of Manhattan over Edward F. Boyle, Democrat, by a plurality of 1800. With these two officers the Republicans secured a voting strength of five on the Board of Estimate and Apportionment, the actual governing authority of the city. The Tammany judicial ticket was also defeated. The Board of Aldermen remained Democratic by a slight plurality. — Congressman J. Hampton Moore, Republican, was elected mayor of **Philadelphia** over Harry D. Westcott, his Democratic opponent, by a majority of 174,000. The Republicans also elected their candidates for county offices and for positions on the new city council. The real contest came at the primaries six weeks earlier, when Congressman Moore, supported by Senator Penrose, defeated the candidate of the independent Republicans and the Vare faction. — In **San Francisco** James Rolph, Jr., was reelected mayor in a non-partisan contest over former mayor Eugene Schmitz. —On April 6 Daniel W. Hoan, Socialist mayor of **Milwaukee,** was reelected over Clifton Williams, his non-partisan opponent. The Socialists retained 14 members in the council, which numbers 31.— On March 2 Hugh M. Caldwell was elected over James Duncan, secretary of the **Seattle** Central Labor Council, as mayor of Seattle. The new mayor defeated C. B. Fitzgerald, Ole Hansen's chosen successor, in the primaries.—In **Ashtabula, Ohio,** and **Kalamazoo, Michigan,** city councils were chosen in accordance with the Hare system of proportional representation. The circuit court of Kalamazoo county has recently declared unconstitutional the charter provision of the latter city providing for the Hare system of proportional representation, on the ground that the constitution guarantees to every elector the right to vote for every officer to be elected. — Several important **municipal referenda** were held. The voters of **Chicago** adopted the non-partisan ballot for the choice of members of the city council but defeated by a small margin the proposal to redistrict the city and

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reduce from 70 to 50 the number of members of the Board of Aldermen. The first non-partisan election was held in February. — **New Haven** confirmed by referendum vote a proposal to issue $500,000 bonds to establish a municipal ice plant.—**Duluth and Lincoln** voted not to acquire street-railway systems. — The voters of **Baltimore** county, Maryland, passed favorably on the question of a charter commission to consider a new form of government. — The voters of **Toledo** voted to oust the street cars from the streets. The Toledo Railways and Light Company had been operating its system for several years without a franchise and recently raised its fares from 5 to 8 cents. Operation was resumed in December, but the question of a new franchise or municipal ownership has not been settled. — At a special election on December 9, **Minneapolis** defeated a cost-of-service franchise.—On April 5 **Detroit,** after a bitter campaign, voted to construct a municipal street-railway system. Bonds to the sum of $15,000,000 were authorized for construction and equipment.—The voters of **Cleveland,** at the spring election, defeated a bond issue of $15,000,000 for the construction of a subway system. — A number of cities voted upon **increases in car fares.** Among those which approved such proposals were Des Moines and Burlington, Iowa. Denver and Jacksonville rejected them. In New York City, street-railway companies have vigorously agitated for the increase in fares, but no action has been taken. The city government has opposed any increases. — Attempts made during the year to **recall the mayors** of Colorado Springs, Colorado, and Charlotte, North Carolina, failed.— In November Governor Cox of Ohio removed from office Mayor Charles E. Poorman of Canton for failure to maintain law and order. —The Kentucky legislature at its 1920 session passed an important housing act providing for stringent requirements in regard to fire protection, improvements and sanitation. It was proposed to apply the act to cities of the first four classes, but because of the opposition of the smaller cities, where little educational work had been done, it was made to apply only to first-class cities.—The Indiana legislature failed to adopt the governor's recommendation to make the city-manager form of government optional for cities. — The **Baltimore** police department, according to a new law of Maryland, is henceforth to be under the control of a single commissioner instead of a board of police. Moreover, the voters of the city are to determine whether the police force is to continue under state control or is to be made responsible to the mayor.—The Pennsylvania legislature of 1919 repealed the non-partisan election law of 1913 for third-class cities and substituted partisan elections. It also provided that city treasurers be elected by the people instead of by the councils. ——On January 5 the new **charter of Philadelphia,** adopted in 1919 by the Pennsylvania legislature, went into effect, with J. Hampton Moore as mayor. The

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greatest change effected by the new charter is the establishment of a small unicameral council of 21 in place of an unwieldy bicameral body of 48 select councilmen and 96 common councilmen. The unit of representation of the new council is the senatorial district, of which the city has eight. Each district is entitled to one councilman and an additional one for each 20,000 assessed voters. Each councilman receives a salary of $5,000. The charter embodies modern civil-service provisions. The ballot is shortened by making the city solicitor appointive. The bureau of health is raised to a department and the bureau of charities becomes a part of the department of public welfare. Provision is made for a city purchasing agent. The mayor is required to submit to the council by October 15 a budget which must be considered in open session and passed not later than December 15. The new charter embodies the "pay-as-you-go" policy for financing the city, a provision recently upheld by the courts. The new mayor appointed as department heads men who have had wide experience in their respective lines of work. The new council chose as civil service commissioners Clinton Rogers Woodruff, for twenty-five years secretary of the National Municipal League, Lewis H. Van Dusen, a former civil service commissioner, and Charles W. Neeld.—On July 1, 1919, a law of the Minnesota legislature, applicable to **Minneapolis,** and providing for the establishment of a board of public welfare in which is centralized the administration of all health, charitable and correctional affairs, went into effect. The board consists of seven members, one of whom is the mayor, *ex officio*. Four are appointed by the mayor and confirmed by the council; the other two are aldermen chosen by the council. The mayor's appointees serve for four years, one appointed annually. The council representatives are elected biennially. All serve without pay.—An executive department of community welfare, under a board of sixteen members, four appointed annually by the mayor from nominations made by the board, has recently been established in **Indianapolis.** The board has authority to accept in the name of the city, gifts or bequests made for community-welfare purposes.—In May, 1918, **Omaha** voted to acquire a municipal gas plant through condemnation proceedings. In February, 1920, the court rendered a decision awarding the private company $4,500,000 as the value of its property. This the city commissioners voted to accept. They provided, also, $1,000,000 for improvements. The plant will be in charge of a bi-partisan board of directors and a manager. Omaha is the largest city in the country with a publicly owned and operated gas plant.—Upon the repeal of the daylight-saving law by Congress a large number of cities in all parts of the country passed **local daylight-saving ordinances.** — Among the attempts made by cities to recoup their loss of revenues from liquor licenses, the new license ordinance of **Los Angeles** deserves mention.

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It places a tax on practically all kinds of business. Each occupation has its own license fee, ranging from $1 a year to $1875 per quarter. It is expected to raise about $1,250,000 annually.—An interesting ordinance of **Seattle** is the one requiring that all hotels and apartment houses shall be licensed and that all tariffs shall be filed and posted. In case the complaint committee, consisting of several city officials, reports any such rates unreasonable, the city council is to fix a reasonable charge which the proprietor must observe. Review by the police judge and the superior court is provided for. The maximum penalties for violations are $100 and 30 days' imprisonment.—One of the important events of the year was the adoption on April 5, by **Detroit,** of the **Unified Court Bill,** enacted during the 1919 session of the Michigan legislature. The new court, which is a consolidation of two former courts—the recorder's court and the police court—possesses every kind of criminal and quasi-criminal jurisdiction. This reorganization plan, based upon the principles of the American Judicature Society and strongly advocated by the local Citizens' League, will, it is believed, eliminate much needless delay and the shifting of responsibility in the processes of criminal law enforcement. The vote in favor of the act was 106,132 to 30,617.—During the year there has been much discussion relative to the right of policemen to affiliate with labor organizations, and to the question of **police strikes.** At its annual convention in June, 1919, the American Federation of Labor reversed its previous policy and decided to issue charters to all *bona fide* organizations of policemen. In the course of a few months charters had been issued to 33 such organizations. Late in August, the commissioners of the **District of Columbia** adopted rules forbidding members of the metropolitan police department to join or retain membership in an organization of policemen affiliated directly or indirectly with any other labor organization. Congress, in November, passed a law of the same general character, and the Washington Policemen's Union returned its charter. In **Boston,** however, events took a more serious turn. On September 9 some 1500 members of the police force went on strike to force the authorities to recognize their newly-formed union and their right to affiliate with the American Federation of Labor. For several days the city was given over to rioting, looting and violence. Only after martial law was declared and soldiers of the state guard were placed in charge of the streets, was a semblance of order restored. In spite of appeals of the officers of the Federation of Labor that the striking policemen be taken back, the Boston police commissioner declared their places vacant. A new personnel was rapidly recruited. The strike was an object lesson to the people of the entire country, who generally approved the stand taken by the police authorities (see *supra,* p. 71). In several other cities there were difficulties with

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police unions, but in no other did serious results follow.—The **city-manager movement** continues to grow. Today there are 180 municipalities in the country operating under the manager plan. Of these, 114 have created the position of manager by charter, charter amendment or the adoption by referendum of optional state laws. Nine others have secured modified plans by similar means. The remaining 57 have established the position of manager by local ordinance—50 of them being cities and towns of less than 10,000 population. The number of cities adopting the plan during the last few years is as follows: 1914, twenty; 1915, twenty-one; 1916, twenty; 1917, sixteen; 1918, thirty-two; 1919, thirty; 1920 (4 months), twenty-nine. Twelve cities had managers before 1914. At present 15 of the 180 cities have populations of over 50,000; 23 have between 20,000 and 50,000; 29, between 10,000 and 20,000; 57, between 5,000 and 10,000; and 53 have less than 5,000. Twenty-five cities of over 5,000 have begun operations under the manager plan since August 1, 1919. There has been serious debate in a number of larger cities on the advisability of adopting the manager form of government.—The New York Court of Appeals recently held that the commissioner of accounts of New York City may examine as a witness the auditor of the board of education, even though public education is a state and not a municipal function (Hirshfield *v.* Cook, 125 N. E. 504).—A city ordinance regulating gas rates where such right has not been granted was declared void by the Supreme Court of Michigan. The court held that the power to regulate rates was not a power necessary to local self-government, the denial of which would constitute an interference with home rule (Kalamazoo *v.* Titus, 175 N. W. 480).—On reargument of the Quinby case the New York court of appeals reaffirmed its opinion that the public service commission had no power to increase fares previously fixed by cities as a condition to granting franchises (Quinby *v.* Public Service Commission of New York, 223 N. Y. 244).—The supreme court of Arkansas has decided that a city manager is an officer rather than an employee, that he has power to appoint the board of health, the old law vesting that power in the mayor having been repealed, and that the section providing that he need not be a resident of the city is unconstitutional, since in such case the manager would lack the qualifications of an elector required by the constitution (McClendon *v.* Board of Health of Hot Springs, 216 S. W. 289).—A St. Louis ordinance providing that "drivers must at all times comply with any direction by voice or hand of any member of the police force as to stopping, starting, or departing from any place" was declared invalid by the Missouri supreme court because it would "put the citizen in the arbitrary power of the officer, regardless of the circumstances of the case" (St. Louis *v.* Allen, 204 S. W. 1083).

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CAPITAL AND LABOR. — The period under review witnessed numerous serious labor disputes. Many of them involved the question of union "recognition", and a number were in direct defiance of national labor officials. The rising cost of living has been one of the chief causes of the insistent demands of labor for higher wages.—Throughout the year there was serious labor unrest among the railroad workers (see *supra*, p. 26), both during the period of government operation and after the roads had been returned to private ownership. — The **steel strike,** which lasted from September 22 till the end of November, was one of the bitterest contests the country has ever seen. The primary issue involved was the right of the steel workers to organize in unions and to bargain collectively. Since 1918 the American Federation had conducted a campaign for organization among the steel workers, and, in spite of the obstacles which the corporation placed in its way, succeeded in inducing some 150,000 men to join the union. Ninety-eight per cent of them voted to authorize their representatives to call a strike in case they failed to secure consideration of their demands. In reply to the union officials' request for a conference, Mr. Gary denied their authority to represent the sentiment of a majority of the employees of the United States Steel Corporation and its subsidiaries and stated that the corporation was opposed to the closed shop. All attempts to secure a conference with employers having failed, the strike was ordered on September 22. President Wilson's request that the matter be deferred until after the Industrial Conference was refused (see *supra*, p. 27). — On October 9 union leaders claimed that 367,000 men were out. These figures were questioned, however, by employers. Numerous mills had to be closed down. On October 6 General Leonard Wood, Commander of the Central Department of the United States Army, took charge of the Chicago district, where serious conflicts had developed. Before and during the strike, it was alleged, many limitations were placed on workers' rights as citizens to meet openly and speak freely. There were charges of violence and intimidation on both sides.—The United States Senate Committee on Education and Labor, authorized to investigate the dispute, examined witnesses on both sides. Its report of November 10 declared that the workers in the steel mills had a just complaint because of the long hours of service of some of them; that they had the right to have representatives of their own choosing present grievances to the employers; and that behind the strike there was a considerable element of I.W.W.'s, anarchists, revolutionists *etc.* The committee severely criticized William Z. Foster, secretary to the committee that managed the strike, for his alleged radical and revolutionary tendencies, and recommended the establishment of a board or commission similar to the War Labor Board with the power of compulsory investigation and with large powers

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of mediation and conciliation, during whose investigations no strikes should be declared—this board to consider the principle of collective bargaining, the 8-hour day *etc.* The report favored the Americanization of foreigners; commended the steel companies for their encouragement of home-building; recommended the strengthening of the naturalization laws; and strongly urged the passage of an effective law dealing with anarchists, revolutionists *etc.* By the end of November strike leaders admitted their failure. The men had gradually returned to the mills. The strike was not officially called off until January 8, the same date that William Z. Foster's resignation was accepted by the Steel Workers' Union (see *supra*, p. 23). — The **strike** of approximately **400,000 bituminous coal miners,** which began on November 1 and was officially ended on November 11 under court mandate, was actually terminated by a general resumption of work about a month later (see *supra*, p. 23).—During the year the government took an active part in the settlement of numerous labor difficulties involving the railway workers (see *supra*, p. 26).—The **Chicago street-car strike,** declared on July 29, was settled by compromise in August. The men had asked for 85 cents an hour, an eight-hour day and a six-day week. They received from 48 to 67 cents (an increase of 17 cents), a 50 per cent increase in pay for overtime beyond eight hours and the guarantee of an eight-hour day on 60 per cent of the runs. — The **strike of the employees of the Brooklyn Rapid Transit Company,** August 7 to 9, was settled by an agreement on the part of the company to negotiate with representatives of the union. Serious rioting and violence accompanied the strike.—A 25 per cent increase in wages was the result of a **one-day strike** on August 17 of the **Interborough Brotherhood,** a company union of the Interborough Rapid Transit Company of New York. No attempt was made to run the trains during the strike.—Between 4,000 and 5,000 **longshoremen went on strike** in New York City on October 7 against the orders of their leaders. They demanded $1 an hour and $2 for overtime. Within a few days 70,000 men were out. Other cities along the coast were affected. In New York a serious coal shortage was feared. Hundreds of vessels were tied up, and a large quantity of food was rotting in ships and on piers. The strike was ended on November 4 by a compromise, the National Adjustment Committee of the United States Shipping Board awarding the men 80 cents an hour and $1.20 for overtime. — The coastwise longshoremen, however, were refused an increase owing to the bad financial condition of the coastwise lines. For the time being the men acquiesced, but early in March they struck for 80 cents an hour, tying up a considerable portion of the harbor of New York. In April an attempt by the lines to resume operations with non-union men failed in New York because the newly formed Transportation Trades Council, consisting of checkers, weigh-

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ers, freight-handlers, truckmen and lightermen, refused to handle goods on non-union piers. Thereupon the Merchants' Association pledged itself to establish an independent trucking system. This company was organized about the middle of June and at once began the movement of freight, though it was seriously interfered with by union pickets and sympathizers. The A. F. of L. pledged its aid to the men. The settlement of the difficulty was deferred by a decision of Justice Fawcett of the New York supreme court to the effect that a boycott against open-shop merchandise constitutes a "conspiracy against the public". The strike was still in progress at the end of June. Some 20,000 men were out along the Atlantic coast.—Ten thousand **pressmen** were **locked out** on October 1 by 250 printing firms in New York City, after the locals to which they belonged had been outlawed by their international unions for refusal to abide by their contracts. The difficulty was settled on November 25 by the printers and pressmen returning under orders of their officers at an increase of $6 a week. They had demanded $14. During the strike many periodicals were printed in other cities. — The **Boston Police Strike** of September resulted in the recruiting of an almost entirely new force (see *supra*, p. 79).—Perhaps the most unique strike of the year was that of the **actors** in New York and several other large cities. While negotiations were proceeding between the managers and the Actors' Equity Association relative to a standard contract, the former issued a public statement to the effect that the Equity Association would no longer be recognized. When the managers refused to arbitrate the dispute the Equity Association affiliated with the American Federation of Labor. On August 7 the strike began. Practically all New York theatres were closed, and many were affected in Boston, Chicago and Philadelphia. The unionized theatrical stage hands and musicians struck in sympathy. The attempt to disrupt the Equity Association by the formation of the Actors' Fidelity League failed. The strike had lasted one month when the managers signed an agreement embodying most of the demands of the union.—At the end of June the strike of 20,000 **brass workers** was still in progress in Waterbury, Connecticut. The strikers, members of the New England Workers Association, an organization not affiliated with the American Federation of Labor, demanded 75 cents an hour instead of 45 cents for unskilled labor. The strike was accompanied by bomb outrages and riots in which lives were lost.—As a result of a two-weeks' strike during August the **silk-mill workers** of Patterson won the 44-hour week.—Strikes in **textile mills** of New England were averted by an advance of 12½ per cent in the wages of some 300,000 operatives, announced on December 2.—An industrial dispute that caused widespread interest because of the fundamental principles it involved was the strike of the **Amalgamated Clothing Workers** of America against

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the Michaels, Stern Company of Rochester. The strike was called after the company had refused to recognize the organization as the representative of its employees. The company thereupon invited the United Garment Workers to organize its employees and enter into an agreement with this union. From July 25 until October the strikers, reinforced by amalgamated employees of other Rochester clothing manufacturers, picketed the company. In October the company secured a temporary injunction against the union. This was made permanent on June 19, when the court also granted the company $100,000 for damages alleged to have been done its business by union activities. In this case the United Garment Workers and the A. F. of L. assisted the company.—The New York *World* on June 13 estimated that the number of men in the United States directly involved in strikes between January 1 and June 1, was 273,643, and that the amount lost in wages alone amounted to over $28,000,000. The majority of workers involved were in New York, Massachusetts and Illinois.—The problem of working out a more satisfactory method of preventing and settling industrial disputes has received much thought during the year. The President's Industrial Conference strongly recommended the shop-committee idea as well as a system of industrial boards (see *supra*, p. 28).—In the building trades a National Board for Jurisdictional Awards was created.—The first national joint industrial council was the "Joint Council" of the men's clothing industry, formed in Rochester the first week in September.—A similar arrangement was adopted in the printing trades.—One of the most noteworthy attempts to introduce the works'-council plan was that at the **Rock Island Arsenal** in July, 1919. The plan was designed "to establish a definitely organized means of communication and conference between the management and the employees of Rock Island Arsenal". The works' council is composed of three representatives from each of the thirteen departments, elected by secret ballot. The chairman and four members of the council meet with the commanding officer and his assistants.—The legislature of **Kansas** in January passed a law for the settling of industrial disputes by a **court of industrial relations.** The measure was sponsored by Governor Allen and was enacted at the special session following the coal strike. The court consists of three members appointed by the governor and the senate for three-year terms and has jurisdiction over the industries engaged in the manufacture of food products and wearing apparel, the production of fuel, the transportation of the above products, and all public utilities. If a controversy arises in any of these industries, the court may investigate and issue orders covering working conditions, hours of labor and wages. Wages must be "fair" and capital must receive a "fair" return. Strikes or the cessation of operation to limit production are prohibited. Penalties are provided for vio-

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lating the law. An industry in which operations are suspended in violation of the law may be taken over and operated by the state. The court has been vigorously attacked by organized labor and by capital as well. "The basis of the law", said Governor Allen, "is in the inherent right of the state to protect itself and its members against anything that is prejudicial to the common welfare."—A considerable number of labor leaders believe that the historic policy of American labor in opposing the formation of a labor party should be abandoned. Accordingly, they formed a new **National Labor party**, organized November 24, at Chicago. Plans were laid for the ultimate coalition of the new party with other groups, such as the Non-Partisan League, the Committee of Forty-Eight and several independent farmers' organizations (see *supra*, p. 43). The Labor party has been strenuously opposed by the leaders of the American Federation.—The **fortieth annual convention** of the **American Federation of Labor** was held at Montreal in June. The most significant fact about the convention was the definite cleavage that appeared between the building trades, supporting Mr. Gompers and the traditional federation policies, and the railway groups, inclined to be radical. The latter scored a decisive victory over Mr. Gompers in carrying against his appeal a resolution in favor of government ownership and democratic operation of the railroads. Among the Gompers plans that received the approval of the convention were: indorsement of the League of Nations; refusal to urge recognition of the Russian Soviets; demand for self-determination of Ireland and removal of troops; demand for the release of "political and economic" prisoners; plans for organizing international policemen's and office-men's unions; support of the steel, coal, and policemen's strikes; indorsement of the non-partisan political campaign; condemnation of industrial courts, anti-strike laws and the Transportation Act; opposition to the labor planks of the Republican platform (see *supra*, p. 37); and support to any unions asking a shorter workday, the length of the day to be left to the union to decide.

TERRITORIES AND DEPENDENCIES.—On November 1 the territorial government of **Alaska**, in a communication to Congress, requested a number of reforms, including restoration of the national forests to the public domain, opening up of oil lands to exploitation and exploration, extension of coal laws of the United States to Alaska, territorial jurisdiction over fisheries, game and fur-bearing animals, consolidation of government authority in one executive, thereby eliminating conflicting jurisdiction, establishment of a constabulary, restoration of mail-contract system, increased telegraph service, establishment of musk-ox industry, better navigation facilities and a farm-loan system.— Governor General Harrison of the **Philippines**, in his annual report of November 28, urged that "early independence"

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be conceded to the Filipino people. During the winter a second Philippine mission seeking independence of the islands arrived in the United States to present their claims to Congress and to the Democratic and Republican parties in National Convention. Early in December the Filipino legislature enacted a law against the acquisition of land by certain foreigners, in order especially to prevent the Japanese from acquiring additional territory. Official investigation has disclosed that the richest part of the Davao province, the great hemp-growing region, is owned by Japanese interests. Prohibition and woman-suffrage bills were defeated in both houses of the legislature on March 6.—A legislative commission of **Hawaii** sought statehood for the territory, changes in the homestead land laws, retention of half the customs and internal revenues collected in Hawaii, and appropriations for public works.—The recent census of **Porto Rico** shows a population of 1,295,826—an increase of 177,814 or 15.9 per cent. The leaders of the territory are still pleading for statehood. By a recent law of Congress the provisions of the Farm Loan Act were extended to Porto Rico.—A concurrent resolution of Congress, adopted January 20, provides for a commission to investigate and report on conditions in the **Virgin Islands.**

VII. MEXICO AND THE CARIBBEAN STATES

MEXICO.—Distressed by internal and external difficulties, Mexico has passed through a year of **unrest and upheaval** finally culminating in revolution. So far as can be ascertained, it appears that the Carranza government endeavored during the autumn and winter to suppress rebel forces and rid the country of bandit gangs. Arrayed against it for political or economic reasons were Felipe Angeles, Francisco Villa, Guillermo Meixaerio, Felix Diaz, Manuel Pelaez who dominates the Tampico and adjacent oil fields, the Zapatistas, followers of Emiliano Zapata, who was executed in April, 1919, General Cantu, governor of the state of Lower California, and the organized Yaqui Indian forces of the state of Sonora. All attempts of the government to tranquilize the country and establish order failed, and **repeated outrages** continued against Mexicans and foreigners alike. The situation in this respect became so serious that **relations** between Mexico and the United States became **seriously strained** (see *supra*, p. 17). Finally in April, in the midst of a presidential campaign, **Sonora,** next to Chihuahua the largest state in Mexico, **seceded,** and its legislature elected Governor de la Huerta as "Supreme Power of the Republic of Sonora". The break with President Carranza was ascribed to politics, the charge being that he had been notoriously partial in the electoral campaign, and to the desire to end a serious strike on the Southern Pacific Railroad of Mexico, which had been ordered despite a federal court injunction. Concerning the

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latter it appears that on April 6 the federal government, in an ultimatum to the railway and its employees, threatened to take control of the road and operate it with soldiers unless an agreement was reached by April 9. On this day the state government of Sonora, anticipating federal action, seized the road and began its operation by employing the strikers, whose demands it agreed to grant. Carranza at once took steps to suppress the **revolt,** but it spread rapidly, and by April 26 the entire republic had turned against him, both General **Obregon** and General **Gonzales** having joined the movement. On April 23 the Sonora revolutionists announced the establishment of a **new provisional government** of Mexico with Governor de la Huerta as "Supreme Commander". They also issued a proclamation (the Plan of Aqua Prieta) calling for the repudiation of the Carranza regime and the election of a provisional president. Carranza at this juncture sought to effect a compromise with the revolutionary leaders, but his efforts were fruitless. Stubbornly refusing to yield or be deposed, he issued a long manifesto on May 5 in which he drew parallels between the revolt of former President Huerta and that of Generals Obregon and Gonzales, promised to make every effort to prevent the country from falling into the hands of leaders of the revolution, and predicted that if it did there would be further bloodshed as a result of their disputes. He declared emphatically that he would refuse to surrender office and would vacate only in favor of a legally designated successor; finally he called upon the army to be loyal and appealed to the Mexican people to furnish him additional troops. On the following day, however, the federal garrison at Vera Cruz went over to the revolutionists, and on May 7 **Carranza and his cabinet secretly fled** from the capital, which was occupied by General Obregon and General Gonzales on May 9. As he fled northward, the president was soon surrounded by the rebel forces, but on May 14 he cut his way through them and with a small detachment escaped to the Jacapoaxtia mountains. On May 27, while asleep in the village of Tlaxcalantongo, he was **brutally assassinated** by direction of General Herrera, who afterwards stated that he was acting under orders of General Pelaez. General Obregon at once demanded the arrest of Herrera and his followers, who have been detained for court-martial. On the day of President Carranza's burial, May 24, the Mexican Congress elected **Alofo de la Huerta provisional president** by a vote of 224 to 30; real authority, however, was in the hands of General Alvaro Obregon, to whom the other military chiefs, with the exception of Villa, have for the time being surrendered their power and pledged their allegiance. Obregon, who is a candidate for president, has encountered practically no opposition, inasmuch as his leading opponent, **Ygnacio Bonillas,** the Carranza candidate and former Mexican Ambassador to the United States, has been temporarily imprisoned by the revolution-

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ary government. The **presidential elections** scheduled for July 4 were postponed to September, with inauguration on December 1. **Francisco Villa** has announced his intention of opposing the new government, but at the end of June efforts were being made to win his support.—The political situation is inseparable from the economic question of the control of the natural resources of the country. Article 27 of the Mexican constitution, adopted in 1917, asserts the fundamental right of the people of Mexico to the soil and subsoil resources of the state and gives to the government the power of regulating and safeguarding the same. **Foreign oil companies** insist that in accordance with this article certain taxes have been imposed which are confiscatory, especially the one on potential production. In January American oil companies appealed to the State Department of the United States for protection, claiming that they were not permitted to drill new wells, and in response the Mexican Embassy stated that the capacity of the 310 oil-producing wells in Mexico was 2,000,000 barrels per day, and that only 220,000 barrels were being extracted for export and home consumption, leaving a margin of 1,780,000 barrels daily to be drawn by simply opening the valves of the wells. The government denied that there was prevention of production and stated that if a shortage occurred it was due to the operators. On January 17, after the State Department had taken up the matter, President Carranza agreed to issue permits for the drilling of additional wells. At the end of June negotiations were under way between the new regime and representatives of the various petroleum companies, who demanded nullification of all petroleum legislation based upon article 27 of the constitution, enforcement of the original regulations regarding oil operations, cancellation of seventy-five permits which the government had already granted for drilling operations on national lands which include coastal and river-bank territory. A report of Senator Fall, chairman of the United States Senate Sub-Committee on Foreign Affairs, recommended that Mexico be forced to **alter her constitution** so as to eliminate the content of Article 27 and that she except Americans from the law forbidding foreigners to own Mexican lands or subsoil products, to act as teachers, missionaries or preachers, to establish schools, or do other things which would be of advantage—pecuniarily or otherwise—to Americans. Senator Fall proposed American intervention if Mexico failed to alter her constitution in accordance with his views.

THE CARIBBEAN STATES. — The new electoral code of **Cuba** went into effect on August 8, thereby repealing the electoral law of 1908. It makes all men over 21 years of age who are listed in the electoral register, electors, with the exception of inmates of asylums, persons legally declared incompetent, persons deprived of citizenship on account of crime and members of the army and navy in active service. Like the United States, Cuba is on the eve of a presidential

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election. Senator Maza y Artola is the nominee of the Republican party, while General Rafael Montalvo has been nominated by the Conservatives.—Julio Acosto was inaugurated as president of **Costa Rica** on May 9. — The acquisition of **Taboga Island** by the United States was bitterly opposed by the people of **Panama.** — The revolution in **Honduras,** which began in July, 1919, forced the resignation of President Bertrand in the first week of September. General Lopez Gutierrez, leader of the revolt, was elected to the presidency on October 26. During the revolution American marines were landed at Puerto Cortez to protect foreign lives and property. — **Salvador** has revived the scheme for a **Central American Federation** or union of the five Central American republics under one government.—On April 7 a smouldering revolt broke out against Estrada Cabrera, president of **Guatemala** since 1898. For years he had ruled in dictatorial fashion, torturing, imprisoning and executing those opposed to him. His opposition to the proposed Central American Union culminated in his overthrow on April 17. He was succeeded by Dr. Carlos Herrera as provisional president. The new regime has been recognized by the United States. — In **Haiti** a new election law grants suffrage to all males over 21 years of age.

VIII. SOUTH AMERICAN STATES

Generally speaking, the South American states have been confronted by the same problems as the rest of the world, *viz.*, high cost of living, profiteering and labor unrest. A number of them view with alarm European immigration and are most anxious to prevent the establishment of colonies of nationalities hostile to each other.—The friendship of the **Argentine Republic** for Germany has continued throughout the year. In August Baron von Haddenhausen, former German Minister to Argentine, arrived at the head of a German colonizing society, which now owns over 30,000 acres of land. During the same month a threatened diplomatic rupture between Argentine and Great Britain, over the purchase by the former of a German trading vessel, was reported; the matter will come before the Reparations Commission for adjustment. On the basis of the new census the Chamber of Deputies will consist hereafter of 158 members instead of 120, or one member to every 49,000 inhabitants or fraction thereof not less than 16,500. One of the most bitterly contested electoral campaigns ended on March 7 in the complete triumph of the Radical party, of which President Irigoyen is a member, over a coalition of the opposition parties. The Radicals elected 102, the Conservatives 46, and the Socialists 10. The campaign was accompanied by labor disturbances, strikes and anarchist demonstrations; in Buenos Aires twenty anarchists' headquarters were closed and 200 arrests made.— In **Bolivia** intense excitement has been caused by the Tacna-Arica

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question (see *supra*, p. 17).—President-elect Pessoa of Brazil, in selecting his cabinet, chose Homero Baptista (Finance), Azevedo Marques (Foreign Affairs), Alfred Pinto (Interior and Justice), José Pires do Rió (Transportation and Public Works), Raul Soares de Moura (Marine), João Pandiá Calogeras (War), and Simeos Lopez (Agriculture). In messages to the Brazilian Congress President Pessoa dealt with the reclamation project of the northeast, a reorganization of the departments of state which would provide a ministry of instruction and public health and the reorganization of the Lloyd Brazileiro steamship lines. A new tariff bill, submitted to Congress by President Pessoa on May 3, provides for a decided reduction in the duties on articles of prime necessity; it does not affect the 20 per cent preferential reciprocal tariff on certain products imported from the United States. During the autumn strikes affecting almost every industry were frequent; and in March a strike of the railway men was followed by a general strike, which paralyzed the country for over a month. — In **Chile** a series of cabinet crises, occasioned by the Tacna-Arica question and by internal political disputes, resulted in a number of ministerial changes. A new cabinet was formed on March 26 with Pedro Nelasco Montenegro as Premier, but resigned early in June. In preparation for the presidential elections the allied Liberal parties nominated Arturo Allessandri, former Minister of Interior, on a platform favoring administrative decentralization and compulsory arbitration of labor disputes. The Unionists nominated Ruis Barros Borgono, president of the National Mortgage Bank, as its candidate. The result of the elections held on June 25 had not been announced at the end of the month. On November 27 General Pedro nel Obispo and General Jorge Holguín were elected as Vice-Presidents of **Colombia.** The decree issued by President Suarez nationalizing the oil properties of Colombia has been declared unconstitutional by the Colombian Supreme Court, and the Colombian Congress has enacted petroleum legislation which amply safeguards the interests of owners of private property. In view of this action, it is expected that the treaty of 1914 between Colombia and the United States will be ratified at the next session of the United States Congress.—On January 11 the Liberal candidate, Dr. José Luis Tamayo, was elected President of **Ecuador.** On April 6 it was reported that in return for a tobacco monopoly granted an Italian company Italy had agreed to undertake the construction of public works in Ecuador. — Dr. Manuel Gondra, Minister to the United States, will succeed José Montero as President of **Paraguay,** this being the result of recent elections in which the Radical party obtained a majority in the electoral college.— Augusto B. Leguia, proclaimed president of **Peru** in July, 1919 (see last RECORD, p. 103), reorganized his cabinet on August 12; in elections held on August 24 Leguia was elected by an overwhelming majority,

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and a new legislative body was chosen. On December 27 a **new constitution** was adopted, superseding that of 1860. The principal innovations in the new instrument are: religious toleration, compulsory education, graduated income tax, a five-year period for presidential and legislative mandates, abolition of office of vice-president, sanction of diplomatic appointments by the senate, guarantees of personal security, removability of judicial officers every five years, compulsory arbitration of labor disputes, municipal autonomy and the establishment of three regional legislatures to deal with local matters.— **Uruguay** has been experimenting with her recently adopted constitution (see last RECORD, p. 103). It is now proposed to do away with the office of president altogether and entrust the conduct of government to a commission of eleven members.

IX. THE BRITISH EMPIRE

THE UNITED KINGDOM. — The small **war cabinet,** set up in December, 1916, for the more effective prosecution of the war, was continued until October 27, when a new administration was organized. The members of the **new cabinet** were: Prime Minister and First Lord of the Treasury, David Lloyd George; Lord Privy Seal, A. Bonar Law; Lord President of the Council, Arthur J. Balfour; Chancellor of the Exchequer, Austen Chamberlain; without portfolio, G. N. Barnes; Chief Secretary for Ireland, J. I. Macpherson; Lord Chancellor, Lord Birkenhead (F. E. Smith); Home Secretary, E. Shortt; Secretary for Foreign Affairs, Earl Curzon; Secretary for the Colonies, Viscount Milner; Secretary for War and Air, Winston Churchhill; Secretary for India, E. S. Montagu; First Lord of the Admiralty, Walter Long; Secretary for Scotland, R. Munro; President of the Board of Trade, Sir Auckland Geddes; President of the Ministry of Health, Dr. C. Addison; President of the Ministry of Agriculture, Lord Lee; President of the Board of Education, H. A. L. Fisher; Minister of Labor, Sir R. S. Horne; Minister of Transport, Sir Eric Geddes. — Since October several **ministerial changes** have occurred. Late in January Mr. Barnes resigned from the cabinet, his resignation marking the final withdrawal of Labor from the Coalition cabinet.—On February 5 Mr. George H. Roberts, Food Controller, and on March 10, Mr. G. J. Wardle, parliamentary secretary to the Ministry of Labor, resigned, thus removing from the Coalition ministry its last Labor representatives. On March 1 Sir Auckland Geddes was appointed British Ambassador to the United States and was succeeded as president of the Board of Trade by Sir Robert S. Horne, Minister of Labor; Dr. T. J. Macnamara, parliamentary and financial secretary to the Admiralty, became Minister of Labor. Early in April the following important appointments were made: Sir L. Worthington Evans to be Minister without portfolio, in succession to

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G. N. Barnes; Sir Hamar Greenwood, to be Chief Secretary for Ireland in succession to J. I. Macpherson; J. I. Macpherson to be Minister of Pensions, in succession to Sir L. Worthington Evans.—The **by-elections** held during 1919 and 1920 gave evidence of a decided change in public opinion. In 1919 thirteen by-elections were contested, and of these the Coalition lost five and won the rest by greatly reduced majorities. On September 12 Arthur Henderson, one of the leaders of the Labor party, who had been without a seat since the general election, was returned to the House from Widnes by a majority of almost 1000 over his Coalition-Unionist opponent.—The by-election at Plymouth resulted in a Coalition victory, **Lady Astor** being returned on November 15 by a majority of 2064 over her Labor and Liberal opponents. She took her seat as the **first woman member of the House of Commons** on December 1.—The most significant by-election of 1920 was that at Paisley, where Mr. Asquith was returned to the House, receiving 14,736 votes. The Labor candidate received 11,902, and the Coalition-Unionist, 3795.—Labor won a decisive victory in April at Dartford. Mr. J. Mills, a young shop steward, turned a Coalition majority of over 9000 into a Labor majority of over 9000. The Coalition candidate stood third. This was the ninth seat lost to the Coalition since the general election of December, 1918.—By August it became clear that Mr. Chamberlain's **budget estimates** of April had been much too low (see last RECORD, p. 107). The revised statement of revenues and expenditures, issued on October 28, showed expenditures for the fiscal year 1919-1920 of £1,642,295,000 and revenues of £1,168,650,000, leaving a deficit of £473,645,000. The gross **capital debt** was now estimated at £8,075,000,000. The largest increase in expenditures was on the army, which was now estimated to cost £405,000,000 or £118,000,000 more than had been thought necessary in April. No new taxes were suggested to meet the deficit. The Chancellor of the Exchequer asserted that the government was doing everything possible to reduce expenditures. The division called for by the Labor party on their amendment for a capital levy resulted in a vote of 405 to 50 in favor of the government.—Parliament remained in session until August 19, when an adjournment of nine weeks was taken. The **autumn sittings** began on October 22. Parliament was prorogued on December 23 until February 10.—The **Housing and Town Planning Act** became law on July 31. It requires local housing authorities to provide adequate homes for the working classes. If they fail, the Ministry of Health may either authorize the county councils to act or may act itself at the expense of the local authority. Every borough and urban district with a population of over 20,000 must prepare a town-planning scheme by January 1, 1926. —The **National Health Insurance Act**, passed on August 15, extends from £160 to £250 a year the rate of remuneration for the purpose

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of exception from insurance under the National Insurance Acts.—The **Coal Mines Act** of August 15 carries out the recommendations of the Sankey Report by reducing from 8 to 7 the hours of employment below ground.—The **Ministry of Transport Act**, August 15, provides for the appointment of a Minister of Transport. A department of the Ministry is to deal with road construction, improvement, maintenance and development.—The **Profiteering Act** of August 19 vests the Board of Trade with authority to investigate complaints of profiteering and to fix minimum prices.—November and December saw the enactment of a number of laws of far-reaching importance. The **Industrial Courts Act** of November 20 created a standing Industrial Court for the settlement of trade disputes. It consists of persons appointed by the Ministry of Labor, some independent and some representing employers and workmen. Actual or threatened disputes may be referred by the Minister of Labor, with the consent of the parties, to the Industrial Court, or to the arbitration of one or more persons appointed by him, or to a board of arbitration representing employers and employed, with an independent chairman nominated by the Minister. In case of the failure of the Industrial Court to agree as to the award, the chairman, acting with the full powers of an umpire, is to decide.—The **Sex Disqualification Act** of December 23 removes the disqualifications on the grounds of sex or marriage which prevented women from exercising public functions or from being appointed to civil or judicial office or from entering or carrying on civil profession or from serving as jurors. Universities are authorized to admit women to membership or to any degree.—The **National Insurance Act** of December 23 increases the unemployment benefits under the act of 1911 from 7*s.* to 11*s.* per week.—The **Ministry of Agriculture and Fisheries Act** (December 23) substitutes a Ministry of Agriculture and Fisheries for the Board of Agriculture and Fisheries and provides for the setting up of local committees of agriculture.—The **Aliens Restriction Act** (December 23) continues for one year emergency powers exercised under the act of 1914, extends them and makes special arrangements relative to former enemy aliens.—The **Housing (Additional Powers) Act** (December 23) authorizes the payment of money aggregating £15,000,000 to persons constructing houses that are in accord with standards approved by the Minister of Health. The act further provides for the prohibition of building operations which interfere with the building of dwellings; authorizes local authorities to borrow money by the issue of bonds for the purpose of the Housing Acts; and gives power to acquire land for garden cities and town-planning schemes.—The **Government of India Act** (December 23) carries out the policy of gradually extending a greater measure of self-government to India (see *infra*, p. 103).—The **Old Age Pension Act** raises the full pension to 10*s.* per week and amends the legal conditions as to means, nation-

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ality and residence. — The amount of legislation enacted was large, but a number of highly significant bills were held over. These include three great Labor measures for a national minimum wage, a universal 48-hour week and a general system of unemployment insurance, as also a bill for the future government of Ireland. — During the session, although the Coalition government had an enormous majority, there was nevertheless considerable **independence on the part of the House.** The rules were amended at the government's suggestion so as to remove the committee stage of all bills from the whole House to standing committees. This change, it was urged by the government, would give members more freedom in making bills a true reflection of their sentiments. The important bills remained government bills, but when they received the royal assent they were acts of Parliament in a larger measure than had been the case before. An illustration of the spirit of independence on the part of the House occurred during the consideration of the Aliens Restriction Bill, a government measure which was greatly expanded in the standing committee. In its original form the bill contained only four clauses; when it was returned to the House from the committee it contained ten, several of which had been added in the face of ministerial opposition. Consequently at the report stage the government demanded that the bill be rejected. This was refused, the division resulting, on October 23, in a **vote** of 185 to 113 **against the government.** The cabinet was seriously shaken, though there was no offer to resign.—Parliament reassembled on February 10. The **King's speech** outlined a formidable legislative program.—In the debate on the address in reply to the King's speech, Mr. Adamson, leader of the Labor party, struck a strong note of criticism, asserting that the Prime Minister's proposed bill for Ireland was favored nowhere and that nationalization of the mines offered the only settlement of the coal question. Sir Donald Maclean, leader of the Liberals, declared that the time for coalition was at an end and that new elections should be held. He said that the gravest omission from the King's speech was the necessity for national and individual economy. The Prime Minister made a skilful reply to his critics.— The first amendment that was moved to the address was that by Mr. Brace, calling for the nationalization of the mines as recommended by a majority of the members of the Royal Commission on the Coal Industry; it was lost by 329 votes to 64 after Mr. Lloyd George had replied. The amendment to the address, moved by the Free Liberals, regretting that ministers had "not recognized the impracticability of the fulfilment by our late enemies of many of the terms of the Peace Treaty", was lost by 254 votes to 60. An amendment criticizing the government's financial policy was defeated, 188 to 44. After the address to the King had been voted, the House, as one

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of its first acts, set up a select committee to inquire into the practicability of a tax on war-time increases of wealth.—The first months of the session were occupied chiefly with the consideration of the new **Home Rule Bill and the budget.**—The former was introduced on February 25 in its first reading. Its main provisions are as follows: **Two single-chambered parliaments** are to be established—one for Northern Ireland and one for Southern Ireland. The **Council** of Ireland, to bring about harmonious action between the parliaments and to administer services mutually agreed upon or assigned by the act, is to consist of the King, as president, and twenty members of each parliament chosen as each may determine. The two parliaments by identical acts may establish in lieu of the council a parliament for the whole of Ireland consisting of the King and one or two houses—the constitution of this parliament to be determined by the provincial parliaments. On the date of such Irish union the united parliament is to receive the powers of the council. The provincial parliaments are to have full powers within their areas except in respect to crown succession; peace and war, navy, army, and pensions; treaties with foreign nations or with the Dominions, extradition or the return of fugitive offenders; dignities or titles of honor; treason, naturalization and aliens; trade external to the area, and export bounties; cables, wireless, aerial navigation, lighthouses; coinage, trademarks, *etc.;* and matters reserved by the act. Neither parliament may make a law for the establishment of religion or restricting the free exercise thereof. — The **executive power** and prerogative of the crown are vested in the Lord Lieutenant and are to be exercised through such departments as each provincial parliament may establish. The Lord Lieutenant may appoint officers to administer those departments during his pleasure. A provincial minister must be a privy councillor of Ireland, must not hold office more than six months unless he is or becomes a member of the provincial House of Commons and, if he is not the head of a department, holds office during the pleasure of the Lord Lieutenant. The provincial ministers are to form an executive committee of the Privy Council of Ireland to advise the Lord Lieutenant in the exercise of his powers.—The Royal Irish Constabulary and the Metropolitan Police, and the administration of acts relating thereto, are reserved until transferred by order in council to the provincial parliaments, but for not longer than 3 years. If transferred after the date of Irish union, they go to the government of All Ireland unless otherwise provided by the constituent acts. There are to be **annual sessions** of the parliaments. Royal assent to bills is to be given by the Lord Lieutenant subject to instructions.—The House of Commons of Southern Ireland is to have 128 members, that of Northern Ireland, 52.—Elections are to be by proportional representation, with single transferable vote. The duration of each parliament is to

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be five years, unless sooner disolved. All existing election laws are to apply except as altered by this act or by the provincial parliaments.—The provincial parliaments may not pass money bills except in pursuance of a recommendation from the Lord Lieutenant. The privileges of each parliament and its members are not to exceed those of the Parliament of the United Kingdom. Peers may be members of the House of Commons.—Until otherwise determined by Parliament there are to be 42 Irish members in the Imperial Parliament.—There is to be a consolidated fund for each of the two areas. The parliaments are to have power to make laws imposing taxes other than customs duties, excises, excess-profits duties and the United Kingdom income tax. The bill provides for the repeal of the Government of Ireland Act of 1914. On March 31 it passed **second reading** in the Commons by a vote of 348 to 94. The debate occupied three sittings. The chief opponents of the bill were Mr. Clynes (Labor), Lord Robert Cecil (Coalition-Unionist), Mr. Devlin (Nationalist) and Mr. Asquith. The latter criticized the Government proposal as tending to partition Ireland under a costly, inexpedient and undesirable dual parliament and favored what would amount to a Dominion status for Ireland. In behalf of the government, Mr. Bonar Law declared that Dominion Home Rule meant in fact the right to decide their own destinies and for Mr. Asquith to say that he was prepared to give that status to Ireland meant that he was prepared to grant an Irish Republic. Sir Edward Carson declared that he would neither favor nor oppose the measure.—On May 10, in a division taken on Mr. Asquith's amendment to establish a single parliament for Ireland, the **government** was **sustained** by a vote of 259 to 55. Discussion of the bill continued during May and June. The unsettled condition of Ireland called forth much discussion during the session (see *infra*, p. 98).—The Chancellor of the Exchequer presented his **budget for 1920-1921** on April 19. The budget speech was awaited even more eagerly than usual because of the critical state of the national finances. The program outlined by Mr. Chamberlain proved a colossal affair but was presented with confidence. The estimated revenues for the fiscal year amounted to £1,418,300,000, of which taxes were to yield £1,035,150,000 and non-tax revenues, £383,150,000. As the expenditure to be met was estimated at £1,184,102,000, a balance of £234,198,000 remained available for debt reduction. In order to show this result the Chancellor announced changes in taxation and in postage rates to produce during the current year £76,650,000, and during the full year £198,230,000.—The most important new taxing proposals were: excess-profits duty increased from 40 to 60 per cent, this increase to be cancelled in the event of a war levy being imposed later in the session; postage rates increased; higher taxes on luxuries, the beer duty raised from 70*s.* to 100*s.* the standard barrel, spirit duties from

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50*s.* to 72*s.* 6*d.* a gallon, all wine duties doubled, and an additional tax on imported cigars; the standard rate of 6*s.* in the pound on incomes retained, but the burdens readjusted so that a portion of the charge hitherto borne by the smallest incomes is transferred to the larger incomes and greater regard is paid to the taxpayer's marital and family responsibilities; motor-cars to pay £1 for each unit of horse-power, and the duty of 6*d.* a gallon on motor spirit repealed; the increment-value duty, reversion duty and undeveloped-land duty of the 1919 budget repealed; and the stamp duties increased. — The Chancellor explained that the dead-weight debt on March 31 was estimated at £7,835,000,000. On the same date the floating debt was £1,312,205,000, a decrease of almost £100,000,000 in 12 months. In justifying the increased taxes Mr. Chamberlain explained that 20 such budgets would wipe out the entire national debt.—The revised estimates for the navy, submitted on March 15, totaled £84,372,300 as against £157,528,810 in 1919-1920. The army estimates totaled £125,000,000 as against £405,000,000 in the revised estimates of October 27. The civil service estimates, however, showed a reduction of only £100,000,000 from the previous year. During the debates in committee the government was severely criticized for its failure to economize more strictly. Mr. Asquith and Mr. Esmond Harmsworth, who was elected as an anti-waste candidate, were among the critics of the civil service estimates. A Labor amendment to reduce the vote was defeated, 238 to 54.—Of the revenue proposals discussed in committee that to increase the excess-profits duty met with the strongest opposition. However, the Chancellor remained firm, stating that he proposed to stand or fall by his program. — The **Finance Bill,** incorporating the budget proposals, was formally introduced early in May. When the proposals came up for discussion at the report stage, 75 members, mainly Unionist supporters of the Coalition, voted against the government on the proposal to increase the excess-profits duty. An amendment for the total repeal of the duty was defeated without a division, and another to retain the present duty of 40 per cent by a majority of 212 votes. Early in June Mr. Chamberlain announced that after full consideration of the Report of the Select Committee on the Taxation on War Wealth, the government had come to the conclusion that the dangers attendant upon a capital levy outweighed any advantages which could be derived from it and hence would not make any such proposal to the House. A Labor resolution urging the raising of further revenue from accumulated wealth was defeated, 244 to 81. Spirited debates occurred on the various estimates submitted, but the government secured its votes. — Early in March, while the supplementary estimates were being considered, Mr. Bonar Law moved the "**guillotine**" for the financial business to be transacted before Easter, which meant winding up the estimates without fur-

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ther discussion. To this, exception was taken — Major Hills, Unionist, proposing instead that members should appoint a committee to decide among themselves the best method of securing the end which the government had in view. When Mr. Bonar Law accepted the suggestion a far-reaching change in procedure took place. The general view was that an end had been made of the "guillotine".—**Conditions in Ireland** have become steadily worse. Riots and attacks upon the government have been met by counter raids upon Sinn Fein quarters. The troops in Ireland have been largely increased. The **Sinn Fein Parliament** (see last RECORD, p. 108) continued its sittings undisturbed by the authorities until the middle of September. Its "president", Mr. Valera, was in the meantime raising a "loan" in the United States. The state of the country was shown on December 19 by an unsuccessful attempt to **assassinate Lord French,** the Lord Lieutenant. The Sinn Fein movement, seeking the establishment of an independent Irish Republic, received a fresh impetus on January 15 when the **municipal elections** resulted in large gains for its candidates. Moreover, the Home Rule Bill, whose provisions the Prime Minister had explained in December, proved unsatisfactory to all groups of the Irish people. Spokesmen of an **English labor delegation,** upon the completion of a ten-day tour of Ireland, declared that the desire for an independent republic was widespread and frankly expressed, but that the Labor party, while going much further than the government proposed, would oppose the complete separation of Ireland from the empire.—On January 30 the result of the recent **elections** was manifested. At Dublin the flag of the Irish Republic was unfurled from the tower of the Municipal Building, next door to Dublin Castle. Without a dissenting vote Tom Kelly, who had been for two months in prison, was elected Lord Mayor of Dublin. Sinn Fein chairmen were elected in numerous cities. The British government acted quickly. On the morning of January 31 troops arrested all Sinn Fein officials in Dublin, Limerick, Thurles and elsewhere, who had committed acts or expressed words of sedition or rebellion. The prisoners were sent to England on British warships. The immense body of troops present prevented a general uprising. — On March 20 Thomas MacCurtain, Mayor of Cork, was shot dead in his own house. Sinn Feiners said that MacCurtain was murdered by agents of the British government, while correspondents of London newspapers declared that the murder was an act of reprisal because the Mayor had publicly denounced some of the more heinous Sinn Fein offenses. The coroner's inquest into the assassination, reported on April 17, declared that "the Lord Mayor had been murdered by the Irish Royal Constabulary under circumstances of the most callous brutality, officially directed by the British Government." The jury returned a "verdict of wilful murder against Lloyd George, Lord French, the Lord Lieutenant of Ireland,

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and other high officials."—On April 2 **Sir Hamar Greenwood,** a Canadian by birth, succeeded Ian Macpherson as Chief Secretary for Ireland. It was thought that the change of officials indicated a probable change in the methods of controlling Ireland, but the numerous outrages perpetrated by the Irish extremists caused the government to use the sternest means to restore a semblance of order. Since early in April a **war** has been carried on **against the police barracks** and government officers. On April 3 fires were started in the offices of the government inspectors, surveyors and tax-collectors. Many records and papers were burned. Over 200 police barracks were destroyed. **Cattle drives** occurred in Galway and County Mayo. On the following day some 100 prisoners, collected in Mountjoy prison, went on a **hunger strike.** Though there was no evidence of the mistreatment of prisoners, the Irish Trades Union Congress called for a general strike to take place April 13. The strike brought all business in Southern Ireland to a complete standstill. On April 14 the government capitulated and released the hunger strikers, whereupon the strike was called off. Similar hunger strikes have occurred from time to time, and the government has with difficulty suppressed the demonstrations they called forth. In a single night (May 12-13) over fifty police barracks were attacked by armed bands of Sinn Feiners and many of them burned to the ground. Conditions became so bad early in May that the government decided to send an **army of occupation,** estimated to exceed 80,000. These troops poured into Ireland from May 15 onward. Moreover, many hundreds of discharged English and Scottish soldiers were added to the Royal Irish Constabulary. This move was met by the radical elements of Irish labor by a refusal to unload munition supplies arriving in Dublin. On May 24 a strike of railwaymen paralyzed traffic. Simultaneously the workers in power stations quit work, and the unloading of munitions from vessels ceased. — **Irish election returns** of June 4 indicated that Sinn Feiners had swept the County Councils of Munster, Leinster and Connaught and had even won strongholds in Ulster. Raids upon barracks continued, and on June 13 a general boycott against the Irish Constabulary was proclaimed. This stopped supplies of food and other necessities from reaching policemen and their families. On June 15 the government announced its intention to pass the Home Rule Bill at an early date and to set up the Ulster Parliament at once. If the South of Ireland refused to organize its parliament, the Lord Lieutenant and a committee of the Privy Council would take over its powers.— **Labor conditions** in the United Kingdom caused grave concern throughout the year. The nationalization of the mines, in harmony with the suggestions of the Sankey Report, was one of the most important problems confronting the government. On August 18 Mr. Lloyd George definitely announced that the government had decided

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against nationalization and proposed, instead, state purchase of mineral rights; amalgamation of mines in defined areas, to reduce costs; appointment by the workers of representatives on committees to control the grouped mines; government supervision over the mines in the public interest; and a fund for the improvement of housing conditions. The government's proposal was rejected by the **Trades Union Congress** at Glasgow in September. By a vote representing 4,401,000 out of 4,555,000, the congress instructed its parliamentary committee, in the event of the government declining to pledge itself to nationalize the mines, to call a special congress to decide upon the form of action to be taken to coerce the government. The congress censured its parliamentary committee for refusal to call a special congress to decide what action should be taken to force the government to comply with the political demands of the Triple Alliance (see last RECORD, p. 110). On March 10 the National Conference of Coal Miners voted by a majority of 178,000 for a general strike and "direct action" to enforce nationalization. But the Trades Union Congress on the following day voted against such action by a majority of 2,820,000 and in favor of legal political action by a majority of 2,717,000. The wages of miners were increased 20 per cent in April. The price of coal was increased soon after. — A serious **railway strike**, that involved more than 600,000 workers and blocked traffic all over the country, began on September 27 and lasted until October 5, when it was settled by a compromise. The cause of the strike was the protracted delay of the government in settling the peace-time wage rates, the men fearing that the government would accept pre-war standards of living as the basis of new wage scales. During the strike there were attempts to wreck trains and sporadic attacks upon volunteer transport workers. Men from all walks of life offered their services for work on the roads. A settlement of the strike was reached on the following terms: work to be resumed forthwith; on the full resumption of work, negotiations to be continued with the understanding that they would be completed before December 31; wages to be stabilized in the United Kingdom at their present level up to September 30, 1920; at any time after August 1, 1920, they may be reviewed in the light of existing circumstances; no adult railwayman in Great Britain to receive less than 51*s.* so long as the cost of living is not less than 110 per cent above the pre-war level; the men to work harmoniously with the railway servants who remained at work, and strikers not to be discriminated against; arrears of wages withheld in consequence of breach of contract to be paid after the resumption of work. In January the agreement respecting wages, called for in the strike settlement, was made. All railwaymen were granted an immediate increase of 5*s.* per week till September 30, and thereafter at least double the pre-war rate; the standard rates insured

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that all men doing the same work would receive the same pay; and the rates were to be revised periodically as the cost of living changed. —In April the railwaymen's unions made a new demand for an all-round advance of £1 a week. Early in June the National Wages Board granted general increases from 2*s.* to 7*s.* over the rates in force. —Other strikes too numerous to mention occurred during the year. According to the *British Labour Gazette* for January, 1920, there were 1413 trade disputes during the year 1919 in Great Britain, involving directly and indirectly 2,581,000 working people. The aggregate duration of these disputes was 34,483,000 working days, or nearly twice as many as during the period 1915 to 1918. — The report to the Trades Union Congress and the Labor party on conditions in Russia by the British Labor delegation to that country, recommended the removal of the last vestige of blockade and intervention and the unconditional recognition of the Soviet government in Russia. — In the **municipal elections** held on November 1 the Labor party made remarkable gains. In 47 of the principal boroughs of England, Conservatives and Liberals gained 17 and 9 seats respectively, while Labor gained 154.

CANADA.—An outstanding event, not only in the history of Canada but in that of the empire, was the **official visit of the Prince of Wales** to Canada, Newfoundland and other parts of the British dominions. Arriving at St. Johns on August 25 he toured the country, being everywhere most cordially received. After a brief visit to the United States he left on November 25 amid the plaudits of the Canadian people.—At a convention of the Liberal party held at Ottawa, August 7-8, Mr. **McKenzie King,** former Minister of Labor, was elected leader of the party over W. S. Fielding.—During the year a number of **ministerial changes** occurred. On August 2 Sir Thomas White, Minister of Finance, was succeeded by Sir Henry Drayton, chairman of the Board of Railway Commissioners. At the same time the resignation of T. A. Creerar, Minister of Agriculture, was announced, his place being taken by Dr. Simion F. Tolmie. The Minister of Public Works, F. B. Carvell, also retired, to head the Board of Railway Commissioners; he was succeeded by Arthur Sifton. Further cabinet reorganization occurred on January 1 when Major-General Mewburn resigned as Minister of Militia and Defense; soon afterward Arthur Sifton retired as Minister of Public Works and became Secretary of State in place of Martin Burrell, who was appointed Minister of Customs. On March 10 an effort on the part of the opposition to force the government from power by a proposal to amend the Premier's reply to the speech from the throne failed, Parliament expressing confidence by a majority of 34.—At the parliamentary session which opened on February 26 a number of **important economic and political questions** were considered. These included the report of Admiral Viscount Jellicoe on a proposed naval policy

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which had been drafted at the request of the government, a report on race tracks and race-track gambling, a new federal suffrage bill and prohibition measures.—Admiral Jellicoe submitted **four plans** from which Canada might make a choice **for the beginning of her navy.** These were based on annual outlays of $5,000,000, $10,000,000, $17,000,000 and $25,000,000, respectively. Each of the plans allowed for the fullest amount of local control, but training and ships were to be so correlated that the Canadian navy would at all times be an integral part of the navy of the empire. Until Canadians had been trained the high commands were to be filled by English officers, and it was suggested that the Canadian ships should join the British fleet for annual manœuvers. After heated debate it was officially announced that owing to heavy financial commitments and pending a decision as to the British empire's naval policy, Canada would not undertake the creation of a large naval establishment. On June 15, however, it accepted from the home government a modern cruiser, two destroyers and two submarines, all of which will be maintained by Canadians. — With the ratification of peace the Dominion government, in a proclamation of December 20, abrogating the War-time Restrictions Act, automatically **raised the ban on liquor and horse-racing;** to regulate the latter, special legislation fixes the amount of profits that associations or clubs shall take from betting as well as the percentage of profits that may go into purses for the various races.—The **new franchise bill** gives the ballot to all persons having attained the age of 21 years who are British citizens with residence in Canada for one year and in a particular constituency for two months.—As a result of the **nationalization of the Grand Trunk Railway** the government is now in possession of approximately 22,000 miles of railroads. — The **budget** provides for a number of new taxes which are expected to yield at least $70,000,000 additional revenue; they take the form of levies of from 10 to 50 per cent on goods, including textiles, boots and shoes, articles of gold and silver and sporting goods, sold at a price in excess of the amounts specified in the budget. The extra war-customs tax, the business-profits tax and the tax on moving-picture films have been removed. — At a conference held at Ottawa on June 9 agreements embodying reciprocal tariffs and better shipping facilities were concluded between representatives of Canada and the West Indies. — It was officially announced on May 10 by the British Embassy at Washington that Canada would be represented in the United States by a **resident minister;** the appointment has not as yet been made.—In the province of **Ontario** the Conservative administration was overthrown on October 20 and a **new government formed,** which consists of members of the United Farmers' Organization supported by labor members.—For the twelve months ending November 30, 1919, 114,768 immigrants entered Canada, of whom 54,641 came

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from the British Isles and 52,141 from the United States. — **General elections** held in **Newfoundland** on November 1 resulted in the overthrow of the ministry of Premier Cashin and the establishment of a new government headed by Richard Squire. He chose as Minister of Marine and Fisheries William Cooker, a prominent Dominion labor leader and head of the Fishermen's Protective Union.

INDIA. — The **Government of India Act,** the sequel to the memorable declaration of policy made by the British government on August 20, 1917, became law on December 23. During the autumn a committee headed by Lord Selborne had continued to take testimony relative to the measure. Among others, representatives of the Moderate party of India, the Indian National Congress, the All-Indian Moslem League, the National Home Rule League, the Madras Labor Union and the non-Brahmans of Madras, were heard. Opposed to the bill were the British in India who desired to continue their monopoly of privilege; the non-Brahmans who feared the development of an oligarchy of the priestly caste; the extreme nationalists, who regarded it as at best a weak compromise; and, finally, those who, while believing in democracy, felt that the people of India were not sufficiently trained for self-government. In discussing the measure before the House of Commons Mr. E. S. Montagu, Secretary of State for India, stated explicitly that it did not pretend to give to India a constitution that would be permanent. It was transitional—a bridge between government by the agents of Parliament and government by the representatives of the peoples of India. Its object, he declared, was to start India upon the road to responsible self-government by transferring to the people's representatives in India certain functions of government, reserving other functions to be handed over gradually as the people became capable of assuming responsibility. Lord Sinda, Under Secretary for India, voiced the same opinion. The **first part** of the act deals with local government under three heads: (1) division of function between the provinces and the government of India and adjustment of relations between the central and provincial governments; (2) constitution of new form of executive government in the provinces and division of functions between the two parts of the new provisional governments; (3) constitution and powers of provincial legislatures. Rules are to be made for the classification of subjects as either central or provincial. Local governments are empowered to raise loans on the security of their provincial revenues. A legislative council is to be set up in every province and is to be presided over by a person appointed by the governor; of its members not more than 20 per cent are to be official members and at least 70 per cent are to be elected members. The **second part** of the act deals with the Indian Legislature and provides that it shall consist of the Governor General and two chambers: the Council of State

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and the Legislative Assembly. The Council of State is to consist of 60 members, of whom not more than 20 are to be officials. The Legislative Assembly is to consist of 140 members, of whom 100 are to be elected, while of the 40 non-elected members 26 are to be official. The president of the Legislative Assembly is to be appointed by the Governor General. The **third part** deals with the Secretary of State and the Council of India; the **fourth,** with the civil services; the fifth, with the Statutory Commission, which at the end of ten years is to be appointed to inquire into the working of the system of government, the growth of education and the development of representative institutions.—Although a **treaty of peace** was concluded between an Afghan delegation, headed by Ali Ahmed, and the Indian government on August 8, the Waziria and Mahsuds, two frontier tribes, renewed their attacks in October, and since that time desultory warfare has ensued. Some British authorities attribute the cause of the renewed trouble to intrigue by Turkish Nationalists, others to Bolshevist propaganda; in this latter connection it would appear that the government leaders of Great Britain are taking measures to safeguard India and their eastern possessions from the disturbing influences of Bolshevism. It has, moreover, been asserted that the decision to allow the Sultan to remain in Constantinople resulted in part from the desire of Great Britain to avoid arousing Islamism.—Throughout the year there has been **industrial uneasiness.** Early in January a cotton-mill strike in Bombay involved 200,000 workers; in June the railway workers threatened to stop work unless wages and conditions of employment were improved.

OTHER BRITISH POSSESSIONS. — Following the appointment in October of Field Marshal Viscount Allenby as British High Commissioner in **Egypt,** the home government late in November sent a mission headed by Lord Milner to investigate the cause of Egyptian unrest and to work out the details of a constitution for that country. As a protest against this action, the cabinet resigned and nationalist demonstrations bordering on open rebellion ensued. The new ministry, more Egyptian than its predecessors, under the leadership of Youssef Wahba Pasha, as Premier, failed to quiet the disturbances; nor did the Milner mission make much progress in its attempt to reach a peaceful understanding with the nationalist leaders, who demand abolition of the protectorate and complete independence. After a four months' inquiry the mission returned home; at the end of June its report had not yet been officially published. On May 18 the Wahba ministry went out of office, being succeeded by a cabinet headed by Tewfik Nessim Pasha, a disciple of Cromer and Kitchener. That Great Britain is determined not to grant Egypt entire liberty of action was evidenced by a speech of Earl Curzon, the Foreign Secretary, before the House of Lords on No-

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vember 25; Egypt, he said, standing as it does at the door of Africa and on the highway to India, is incapable either of maintaining a stable government or of protecting its own frontiers.—As a result of elections held in **Australia** in December the Nationalists in the lower House controlled 39 seats, the Labor party, 26, and the Country party (anti-labor), 10. In the new parliament, which met on February 26, Premier Hughes was severely criticized for his attempt to rid the country of strikes by use of the war power vested in him; his order prohibiting banks "or any one else" from giving money or goods to strikers proved abortive. By its new tariff Australia provides three sets of rates: the British preferential, to be applied to imports from the United Kingdom; intermediate, to be granted upon the conclusion of reciprocity treaties; and general rates, to be applied to all countries not entitled to either of the other tariffs. While the new tariff will undoubtedly bind Australia more closely to the empire, its object as stated by the Premier is "to protect industries born during the war and to encourage others that are desirable and will diversify and extend existing ones".—In October the ministry of **New Zealand** underwent reorganization as follows: Prime Minister, W. F. Massey; Defense and Finance, Sir James Allen; Native Affairs and Customs, W. H. Herries; Public Works, Sir William Fraser; Attorney General and Education, Sir F. H. D. Bell; Lands, D. H. Guthrie; Internal Affairs, J. B. Hine; Agriculture, William Nosworthy; Justice and Postmaster General, J. G. Coates; Member of Executive Council representing the Native Race, Dr. M. Pomare. The appointment of Lord Jellicoe as Governor General to succeed the Earl of Liverpool has been favorably received by New Zealanders. German Samoa, to be known hereafter as the "Territory of Western Samoa", has been accepted as a mandate by New Zealand. The visit of the Prince of Wales to Australasia was marked by the same cordiality as was his trip to Canada.—General Louis Botha, Premier of **South Africa,** died on August 28; he was succeeded in the premiership by General J. C. Smuts. During the year the Union has suffered grave political and economic troubles arising from serious mine strikes and Nationalist agitation for separation from the British Empire. Elections held on March 10 gave the Nationalists (Hertzog) 43 seats; South African party (Smuts) 40; Unionists 25; Labor 21; Independents 3. The Premier with the help of the Unionists and Independents has a working majority of four. The program of the government includes prosecution of profiteers, better housing facilities at lower rents, establishment of industrial councils to regulate wages and conditions of labor, railway construction, irrigation and land settlement.—It was officially announced on November 19 that **Malta** had been granted self-government.

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X. CONTINENTAL EUROPE

FRANCE.—During the year considerable attention has been given to important domestic problems necessarily neglected during the war and to other matters which have arisen since the termination of hostilities. — The German Peace Treaty was approved on October 2 by the Chamber of Deputies, the vote being 372 to 53, 73 not voting, and on October 11 by the Senate without a dissenting voice. On the following day President Poincaré declared the state of **war officially ended.**—On October 15, five days before the close of the long session of the war Parliament, Leon **Bourgeois,** former Premier and Minister of Foreign Affairs, was appointed **French representative** on the **Council of the League of Nations.** — In reviewing **war finances** before the Chamber on December 29 M. Klotz, Minister of Finance, announced that 80 per cent of the male population of mobilizable age had been called into service; war expenses voted totaled 220,000,000,000 francs with disbursements averaging one-tenth less. These included 40,000,000,000 francs for artillery, 19,000,000,000 for the support of soldiers' families, 20,000,000,000 for public expenses, 25,000,000,000 for interest on debt and other charges, 20,000,000,000 for food, and 4,000,000,000 for advances made to friendly countries. He added that during the war, taxes had brought in 31,000,000,000 francs, national defence bonds, 49,000,000,000, foreign credits, 33,000,000,000, making a total of 194,000,000,000 francs. The Bank of France advanced 25,000,000,000. In the opinion of M. Klotz, the after-war budget would triple or quadruple the pre-war figure.—Elections to the Chamber of Deputies under the **new election law** (see last RECORD, p. 116), held on Sunday, November 16, proved to be largely a contest between the **bloc national,** led by Premier Clemenceau, the **Socialists** under the leadership of Pierre Renaudal, and others. The returns, exclusive of Alsace-Lorraine, gave the Republicans of the Left 123, a gain of 36 seats over 1914; the Radicals, 57, a loss of 7; the Socialist Radicals, 78, a loss of 85; the Republican Socialists, 26, a loss of 7; the Unified Socialists, 65, a loss of 37; the Dissident Socialists, 6, neither gain nor loss; the Progressives, 126, a gain of 76; the Action Libérale, 73, a gain of 42; the Conservatives, 32, a gain of 5. 339 deputies were men elected to the Chamber for the first time. In comparison with the elections of 1914 there appears to have been a general swing toward the Right, which may be interpreted as indicating greater tolerance of religion, more respect for existing institutions and a stronger determination to preserve the present social order. Almost all the opposition leaders were defeated but, on the other hand, **four ministers** of the Clemenceau government **failed of reelection** and relinquished their portfolios. — M. Clémentel, Minister of Commerce, being succeeded by M. Dubois; M. Lafferre, Minister of Instruction, by M. Bérard; M. Colliard, Minister of Labor, by M. Shuman; and

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M. Morel, Under-Secretary of State, by M. Le Trocquer. The losses suffered by the Socialists appear to have resulted from defections in the party and the peasantry's fear of the Soviet land scheme. A strike of the linotypers and typographers, which stopped the publication of all except Socialist newspapers and came at the very moment when the electoral campaign was reaching its climax, is supposed to have been detrimental to the Socialist vote. By the reincorporation of Alsace-Lorraine the number of seats in the Chamber has been increased from 602 to 626.—In the **municipal elections** held on November 30 the Socialists showed remarkable strength, gaining sweeping victories in many parts of the country.—**Elections to the Senate** were held on January 11; three days later M. Bourgeois was chosen president of the body by 147 votes to 125 cast for M. Dubois.—After being defeated in a preliminary test, Premier Clemenceau on January 16 withdrew his candidacy for the **presidency of the Republic.** The caucus vote gave M. Deschanel, recently elected as presiding officer of the Chamber, 408; M. Clemenceau, 389; M. Jonnart, 4; M. Bourgeois, 3; Marshal Foch, 1, and President Poincaré, 16. In the final vote M. Deschanel was elected by a great majority, polling 734 votes, his nearest rival, M. Jonnart, receiving 66, M. Clemenceau, 56, M. Bourgeois, 6, and M. Sadoul, 1. — Following the presidential election the Clemenceau ministry resigned, and a **new cabinet** was formed by M. Millerand, who became Premier and Minister of Foreign Affairs; M. L'Hopiteau became Minister of Justice; M. Steeg, Interior; M. Lefèvre, War; M. Landry, Marine; M. Isaac, Commerce; M. Ricard, Agriculture; M. Francois-Marsal, Finance; M. Sarraut, Colonies; M. Le Trocquer, Public Works; M. Honorat, Public Instruction; M. Jourdain, Labor; M. Breton, Hygiene and Social Welfare; M. Mazinot, Pensions; M. Ogier, Liberated Regions. M. Jourdain and M. Le Trocquer held over from the previous ministry. At a meeting of the Chamber on January 22 a resolution introduced by M. Daudet, calling for an explanation of the inclusion in the cabinet of M. Steeg, who had been accused of relations with M. Malvy, the exiled statesman (see last RECORD, p. 114), was rejected by a vote of 383 to 14, and **confidence in the government** was expressed by a vote of 272 to 23—297 members not participating. The strength of the government was evident thereafter when the Steeg question again came up on January 30, at which time confidence was expressed by a vote of 510 to 70, and on February 6, when the foreign policy of the government was sustained by a vote of 518 to 68.—In outlining the **program of the government** Premier Millerand on January 22 urged cooperation, increased production, reduction of needless consumption and a sane foreign policy. On February 12 Raoul **Peret** was elected to succeed M. Deschanel as president of the Chamber by 372 out of the 425 votes cast. — After numerous postponements the **trial** of former Premier

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Joseph **Caillaux,** charged with attempts to bring about a defeatist peace with Germany (see last RECORD, p. 114), opened on February 17 before the High Court of the Senate. Rather sensational testimony was introduced, but the accused, by a vote of 213 to 28, was declared **not guilty of intelligence with the enemy;** by a vote of 150 to 91, however, he was **found guilty of dangerous correspondence** with enemy subjects (without criminal intent); extenuating circumstances were voted by 128 against 110. The **sentence imposed** was three years' imprisonment (already served), five years' prohibition of residence in French territory and ten years' deprivation of civil rights.—M. Mazinot, Minister of Pensions, announced on February 1 that 660,000 **war pensions** had been liquidated, but that nearly five times as many remained to be adjusted, 1,975,000 being pensions for disabled, 700,000 for widows, and 550,000 for dependents.—The General Staff on February 22 received government sanction to keep 1,000,000 men, instead of 800,000, under arms, with all supply departments on an emergency war footing.—Due to burdensome taxes, the high cost of living and other causes, **labor unrest** has been continuous throughout the year. A **railway strike** called on February 24 by the National Federation of Railwaymen rapidly developed into a **general strike** by order of the Federation of Labor; by the middle of March 400,000 workers in factories, mills and mines were involved. The government settled the railway strike by calling the railwaymen to the colors and by promising an adjustment of grievances; this action was sustained in the Chamber by a vote of 503 to 75. At the National Congress of Railwaymen, which opened in Paris on April 24, a demand for nationalization of all railways, reinstatement of dismissed men, abandonment of prosecution and the right to form syndicates in all branches of railway work, was carried by 171,037 votes to 147,282.—The Socialist party issued a vigorous manifesto late in March, in which common cause was made with the German proletariat, and French intervention in Syria denounced. At a **Socialist Congress** held at Strasbourg during the same month a minority of the party was expelled because of their adherence to the policy of national defense; the expelled members have since organized a **new political party** known as the **Moderate Socialist party,** which, according to its tenets, remains faithful to the old ideals of socialism and French democracy but is opposed to Bolshevism.—During April, May and June the government apprehensively watched the labor situation. A Socialist manifesto published on May 1 included four demands upon the government: (1) full and complete amnesty for all political offenses, mutinies and excesses in strikes; (2) right of syndicalization for all functionaries; (3) peace with Soviet Russia; and (4) general disarmament. In response to Premier Millerand's challenge to define its aims, the C. G. T. (General Confederation of Workingmen), which the government sought to

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dissolve, issued on May 2 a program demanding the establishment of a national economic committee for reorganizing production, an international consortium for the distribution of raw materials, an international fleet under the League of Nations for regularizing freights and permitting the revictualling of all countries according to their needs and the possibilities of the market, the control and distribution of imports and the exclusion of middlemen. — The **indebtedness of France** was reported by the Minister of Finance on December 31 to be 203,860,000,000 francs. The government has endeavored in numerous ways to increase its revenue, one of the means being a "**bachelor tax**", by which unmarried persons of both sexes subject to the income tax are required to pay an extra ten per cent. A **business transfer tax** was another innovation.—On the ground that the reincorporation of Alsace-Lorraine, with its large Catholic population, demanded it, **diplomatic relations with the Vatican** have been reestablished. — A new party, the **Republican-Democratic Alliance of Social Action and National Reconstruction,** was announced on June 17; the party controls 260 votes in the present Chamber and **its program,** as outlined by its president, Senator Jonnart, includes a declaration against dictatorship of any class, restoration of unity and hard work, substitution of class-solidarity for class-hatred, preservation of law and order and abolition of the right to strike except for special reasons.

BELGIUM.—To accelerate restoration the government on August 8 decided to take over all farms in the devastated regions and work them according to the most approved scientific methods; the owners are to be paid five per cent interest on a pre-war valuation until such time as the properties are returned to them. — On August 13 the **Labor party** opened an educational campaign in an effort to reduce the cost of living; their proposals included government requisition of wheat, sugar, milk and butter, and government regulation of the prices of coal, shoes and clothing.—In preparation for **general elections** an interesting campaign was waged. The **program of the Catholic party** included maintenance of the *status quo* in questions of church and state, cessation of party politics, solution of the Flemish question and female suffrage in communal elections. The **Liberals** asked for disestablishment of the church, undenominational education and a referendum with regard to woman suffrage for parliamentary elections. The third main party, the **Socialists,** stood for universal male suffrage at twenty-one years after six months' residence, the enactment of an 8-hour working day, increased old-age pensions, pay in case of sickness or disablement and reduction of the high cost of living. As a **result of the elections** held on November 16 the Catholics polled 649,420 votes (73 seats); Socialists, 640,320 (70 seats); Liberals, 310,570 (34 seats); Christian Democrats, 44,386 (4 seats); Front party, 44,426 (3 seats); Renaissance Nationale, 29,028 (1 seat);

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Middle Class party, 18,516 (1 seat); various other parties, 50,937 (2 seats). The Catholics lost 24 seats, the Socialists gained 30, and the Liberals lost 11. In the Senate the Catholics elected 59 members, the Liberals 36, and the Socialists 25. The **new coalition cabinet,** again headed by M. Delacroix (Catholic) as Prime Minister and Minister of Finance, was composed as follows: Foreign Affairs, M. Hymans (Liberal); Interior, M. Renkin (Catholic); Colonies, M. Franck (Liberal); Economic Affairs, M. Jaspar (Catholic); Public Works, M. Anseele (Socialist); Agriculture, Baron Ruzette (Catholic); Education, M. Destrée (Socialist); Railways, Marine, Post and Telegraph, M. Poullet (Catholic); Justice, M. Vandervelde (Socialist); War, M. Masson (Liberal). On February 6 the seats of eight Socialist senators were declared vacant by reason of the failure of the incumbents to meet the income-tax requirement prior to election. As a result of by-elections held to fill these elections, the Socialists lost six seats.—The complete **sovereignty of Belgium over** the former Prussian regions of **Eupen** and **Malmédy** was proclaimed on January 12, and on the 22nd General **Baltia,** Belgian High Commissioner, in a proclamation to the people of these territories, promised religious freedom, standardization of labor and an educational system similar to that of Belgium.—A bill giving **women** the **right to vote in municipal elections** on an equality with men passed the Chamber of Deputies on March 10 by a vote of 115 to 22, and the Senate on April 14 by a vote of 60 to 33.—A parliamentary committee is at present (July 1) working on a **revision of the Constitution.** — The budget for 1920 shows an expenditure of 8,566,410,730 francs, while the revenue totals only 3,331,561,559 francs.

ITALY.—Shortage of food and raw materials, high prices, strikes, unemployment, a crushing war debt and burdensome taxes, together with the unsettled Adriatic problem, have been the principal factors around which the political activities of the Italian kingdom have revolved during the year. The **program of the Nitti government** (see last Record, p. 118) included electoral reform, especially proportional representation and woman suffrage, tariff reform, measures for new credits abroad and adherence to a wise foreign policy in the hope of allaying the Fiume irritation and establishing closer political and commercial relations with leading foreign nations. The most important task before the government was to secure industrial stability; to this end Premier Nitti urged each of the prefects of the provinces to begin a campaign for greater production, more rigid economy and a lessening of strikes. He stated frankly that the government could not continue to supply bread to the people at an annual loss to the state of $500,000,000, while 1,250,000 acres of cultivable land lay idle. In this connection announcement was made on September 1 that King Victor Emmanuel had declared his intention to relinquish claim to his

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vast crown domains for the benefit of the peasantry and the soldiers. The government incurred heavy responsibility when on September 13 **Gabriele D'Annunzio**, at the head of a volunteer force, **seized Fiume**, negotiations for the disposition of which were then pending. His action was disapproved by the Allies, and the government issued an ultimatum ordering his return to Rome; upon his refusal the city of Fiume was declared blockaded, and military forces were sent to dislodge him. The blockade, however, was laxly enforced, and the loyal troops sent against him mutinied. The situation became so grave that on September 25 the Crown Council was summoned for the first time since the days of the *Resorgimento*. D'Annunzio reaffirmed his intention of retaining Fiume and declared himself to be at war with Jugoslavia, threatening to extend his sway over the entire Dalmatian coast, and while the Italian populace seemed to give him its enthusiastic support the government insisted that the Adriatic question should be adjusted by the Peace Conference. On September 27, just before the close of its session, the Chamber expressed confidence by a vote of 208 to 148. The Adriatic problem is as yet unsettled and D'Annunzio still (July 1) remains in control of Fiume.—**Parliamentary elections**, held for the first time since 1913, took place on November 16; as a result the Socialists elected 156 deputies (77 in 1913); the Popular party (Catholics), 101 (24 in 1913); the Constitutionalists (Liberals), 161 (318 in 1913); the Reformist Socialists, 16; the Democrats, 23 (70 in 1913); the Republicans, 9 (16 in 1913); the Independent Socialists, 8; the Combatants (National Renovationists), 34. The elections were characterized by the use of the **scrutin de liste** (general ticket) ballot, general participation by the Catholics and great gains by the Socialists. Four organized parties participated: the Socialists, the Popular party (Catholics), the Republicans and the Combatants, the last a new party, whose program proposes drastic measures against big fortunes and war profits, the reconstruction of small holdings and disarmament. Of the 156 Socialist deputies, 85 were elected from Northern Italy, 60 from Central Italy, 11 from Southern Italy and none from Sicily or Sardinia. Of the 101 Catholic deputies, 52 were elected from Northern Italy, 25 from Central Italy and 17 from Southern Italy; the islands elected 7. In other words, 73 per cent of the total representation of the industrial north was either Socialist or Catholic. — Having failed to solve the Adriatic question, Signor Tittoni, Minister of Foreign Affairs, tendered his resignation on November 24; he was succeeded by Vittorio Scialoia, professor of Roman law and a former member of the Boselli cabinet.—Late in November the government announced its **financial program**; this included a progressive tax of from ten to sixty per cent on increase of capital due to war profits, an extraordinary graduated tax on all capital, revision of income tax, increase of special tax on bearer bonds and upon bicycles

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and motors, a tax on all articles of consumption except food and fuel and a special luxury tax. On December 16 Signor Schanzer, Minister of Finance, stated that expenditures for the fiscal year 1918-1919 had been 32,599,000,000 lire, with a revenue of 9,498,000,000 lire. Estimates for 1919-1920 were fixed at 9,535,000,000 lire for expenditures with receipts of only 7,491,000,000 lire.—At the opening of the new Parliament on December 1 Signor Orlando, former Premier, was elected president of the Chamber by 251 votes against 143 for Signor Lazzara, the Socialist candidate; Signor Tittoni, recently resigned from the ministry, was appointed by the King to the presidency of the Senate. The fairly conservative attitude of the Parliament was indicated when a proposed amendment to the King's speech for the recognition of Soviet Russia was rejected by a vote of 289 to 124.—During January serious **postal and railway strikes** almost completely paralyzed the country. They were caused by the demand for higher wages, fewer working hours and government recognition of unions. To solve this industrial difficulty the government offered bonuses and a shorter working day but declined to recognize the union; the strikes ended with a victory for the government.—After a parliamentary deadlock which lasted for several days, Premier Nitti **reorganized his cabinet** on March 13 as follows: Interior, Signor Nitti; Treasury, Signor Lazzatti; Foreign Affairs, Signor Scialoia; War, Signor Bonomi; Navy, Signor Sechi; Finance, Signor Schanzer; Justice, Signor Mortara; Public Instruction, Signor Torre; Public Works, Signor De Nava; Agriculture, Signor Visocchi; Industry and Commerce, Signor Ferraris; Posts and Telegraphs, Signor Alessio; Transportation, Signor Di Vito; Liberated Provinces, Signor Raineri. In this cabinet neither the Catholic, the Popular party nor the Socialists were represented. The **program of the reconstructed government,** as announced in parliament on March 22, included financial retrenchment, a just and conciliatory policy toward Jugoslavia and the renewal of economic relations with Germany and Russia. Although confidence was expressed in the new government on March 31 by a vote of 250 to 195, the Premier soon realized that his position was untenable, for on May 11 the government was defeated by a vote of 193 to 112, whereupon Signor Nitti again reconstructed his cabinet, to include the Catholics. On June 9 the government resigned in the face of a Socialist demonstration; at the same time announcement was made of the resignation of Signor Orlando as president of the Chamber. A week later the veteran statesman Signor **Giolitti,** former Premier, formed a cabinet as follows; President and Minister of the Interior, Giovanni Giolitti (Liberal); Colonies, Luigi Rossi (Liberal); Finance, Francesco Tedesco (Liberal); Public Works, Camillo Peano (Liberal); Liberated Provinces, Giovanni Raineri (Liberal); Treasury, Filippo Meda (Catholic); Agriculture, Giuseppe Michelli (Catholic);

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Justice, Luigi Fara (Radical); Industry, Giulio Alessio (Radical); Posts and Telegraphs, Rosario Pasqualino-Vassallo (Radical); War, Ivanoe Bonomi (Socialist); Labor and Social Welfare, Arturo Labriola (Socialist). Three non-political experts were also included: Count Carlo Sforza, Foreign Affairs; Admiral Giovanni Sechi, Navy; Prof. Benedetto Grace, Education.—Pope Benedict XV has issued an **encyclical** rescinding the veto on official visits of Catholic sovereigns to the King of Italy in Rome.

GERMANY. — After months of debate the **new German Constitution**, largely the work of Professor Hugo **Preuss**, was finally adopted on July 31 and became effective by executive order on August 11, 1919, without being submitted to popular referendum. The document, containing a preamble and 181 articles, is divided into three parts: "Structure and Functions of the Commonwealth", "Fundamental Rights and Duties of Germans" and "Transitory and Final Regulations". **Part I** consists of seven sections and Part II of five. Section I of the first part declares the German commonwealth (*Reich*) to be a republic, all public authority being derived from the people. It describes the territorial limits of the republic, designates the national colors and states that the generally recognized rules of international law are binding on the commonwealth. Then follows a long list of legislative rights reserved to the national government, within which individual states possess only subordinate powers or no powers at all. Section II treats of the National Assembly (*Reichstag*), composed of representatives of the people "elected by universal, equal, direct and secret suffrage by all men and women over twenty years of age, in accordance with the principles of proportional representation" for a term of four years. The Assembly is to meet each year and may be dissolved by the president of the commonwealth. Unless otherwise provided for, the Assembly acts by majority vote, and all proceedings are public. This section further provides that the Assembly and its committees may require the presence of the chancellor (*Reichs-Kanzler*) and any minister at its meetings; on the other hand the chancellor, ministers and commissioners designated by them have the right to be present at sittings of the Assembly and of its committees. The individual states are entitled to send plenipotentiaries to submit the views of their cabinets (*Landesregierung*) on matters under consideration. Representatives of the national cabinet (*Reichsregierung*) shall be heard even outside the regular order of business. The section contains a number of articles dealing with the organization and function of assembly committees and concludes with a statement of the privileges and immunities, individual and collective, enjoyed by members. Section III is concerned with the national president (*Reichspräsident*) and the national cabinet. Any German thirty-five years of age is eligible for election

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to the presidency. While elected directly by the people for a seven-year term and reeligible, the president is subject to popular recall on the initiative of the Assembly; such a resolution by the Assembly suspends him, but failure of the recall automatically dissolves the Assembly, thus necessitating a new election. The president is commander-in-chief of all the armed forces of the commonwealth, but war cannot be declared or peace concluded except by legislative act; alliances and treaties with foreign states require the consent of the National Assembly only if they relate to subjects covered by national laws. All orders and directions of the president, including those concerning the armed forces, require for their validity the countersignature of the chancellor or appropriate ministers; it is explicitly stated that by such countersigning responsibility is assumed. The president has the power to pardon, but general amnesties require national legislation. The chancellor and the ministers compose the cabinet or government; the president names the chancellor and upon his recommendation appoints and dismisses the ministers. The chancellor and ministers are individually and collectively responsible to the Assembly and must resign if the Assembly by formal resolution withdraws its confidence. The president, chancellor and ministers may be impeached by the Assembly in accordance with a detailed procedure. In Section IV the old Federal Council (*Bundesrat*) emerges as the National Council (*Reichsrat*); in it each state has at least one vote; in the case of the larger states one vote is accorded for every million inhabitants or fraction thereof equal to the population of the smallest state, but no state shall be accredited with more than two-fifths of all votes. No state shall have more than one vote in any committee and the chairmanship of the Council, as well as of all committees, is to be filled by a member of the national cabinet. The plenary meetings of the Council are public. Section V, on national legislation, outlines the methods of enacting national laws; all bills are initiated by the cabinet or the Assembly. Introduction of bills by the cabinet requires the concurrence of the Council, although the former may present measures notwithstanding the nonconsent of the latter. Popular referendum on any law may be had provided the president so orders within a month after its passage. A law the promulgation of which is deferred at the demand of at least one-third of the Assembly, shall be submitted to the people if one-twentieth of the qualified voters so petition; a popular vote shall be resorted to on a measure initiated by the people if one-tenth of the qualified voters so demand. The Council has only a suspensive veto over legislation; if it refuses to concur, the Assembly may yield or renew its action either by a simple majority or a two-thirds vote; in the latter case the president must order a referendum. Provision is made in this section for constitutional amendment. "The National

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Administration" is the title of Section VI; it deals with foreign relations, defence, communications (posts, telegraphs, telephone, navigation, roads, railroads and waterways), colonial policy, merchant marine, fiscal affairs, including tariff, and budgetary procedure. Section VII deals with the administration of justice. Judges are independent and subject only to law; extraordinary courts are illegal. Provision is made for administrative courts (*Reichsverwaltungsgericht*) for the protection of the individual against orders and decrees of administrative authorities. Section I of **Part II** enumerates the fundamental rights and duties of the individual. All Germans are equal before the law; men and women have the same civic rights and duties. The section provides for national citizenship, one state being forbidden to discriminate against a citizen of another state. Right of freedom of travel, of sojourn, of settlement, the acquisition of property, the pursuit of every legitimate means of livelihood, and personal liberty, as well as freedom of speech and press, are guaranteed. Section II, relating to community life, directs that legislation shall be enacted for the compensation of families with numerous children, protection of motherhood, proper physical, mental and social development of children, illegitimate as well as legitimate, protection of youth against exploitation, freedom of assembly and of association, liberty and secrecy of the suffrage, right of petition and right of communal self-government. In this section provision is also made for the civil service. The question of religion and religious societies is treated in Section III; all inhabitants are to enjoy complete freedom of worship and of conscience. While there is no established church, freedom of organization for religious purposes is guaranteed, and such organizations as are recognized by law as corporate bodies are entitled to raise taxes subject to regulations by the state. Sundays and legal holidays are protected as days of rest and spiritual edification. The subject of education and schools is dealt with in Section IV; the entire school system is under the supervision of the state. Eight years' compulsory attendance at school is made a minimum requirement, and arrangement is made for continuation schools for instruction up to eighteen years of age. Provision is made for different types of schools and for the training of teachers for the same. Perhaps the most striking feature of the entire Constitution is the introduction in Section V of clauses relating to the socialization of business enterprise and the economic organization of the community. All natural resources are under control of the state. Subject to certain limitations, the right of private property and inheritance is guaranteed. But all private economic enterprises which are adapted to the purpose may be socialized. Labor is placed under the special protection of the commonwealth, and the right of combination for the protection and promotion of industrial conditions is guaranteed to

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everybody. Guild socialism is fostered by a system of workers' and employers' councils, which share with the political organization in the control of industry. **Part III** is relatively unimportant.—On September 2 the government was informed by the Supreme Council that that part of the Constitution providing for the representation of Austria (Article 61) conflicted with the Peace Treaty and was, therefore, unallowable. This ruling was bitterly denounced in many parts of the country.—On August 21 President Ebert was formally sworn into office under the new Constitution, and the Constituent Assembly as such dissolved.—Throughout the year the government has been confronted by **serious political and economic problems.** During the autumn a remarkable industrial revival swept over the nation; longer working hours were agreed to, either voluntarily or otherwise, and thus production was greatly increased despite the severe handicap caused by shortage of coal and raw material. To relieve the coal situation all railway passenger transportation was officially suspended from November 4 to 15.—Considerable anxiety was manifested by the government on the approach of the anniversary of the revolution, November 9, when radical outbreaks were feared. Due to the drastic precautionary measures taken by Herr Noske, Minister of Defence, a general strike, which had been proclaimed in Berlin, failed to accomplish its purpose; cold weather, a heavy snowfall and the temporary suspension of railway passenger service also helped to paralyze the plans of the extremists. The government was equally annoyed by the monarchists; at a general meeting of the **Pan-German League,** a reactionary organization, held in Berlin on August 31, a return to monarchy was strongly advocated. The visit of General von Hindenburg to Berlin during the first part of November was made the occasion for **monarchist demonstrations,** and the parties of the Left were sufficiently alarmed to issue warning that the commonwealth was in danger. In this connection the Ministry of Education began an investigation of the Nationalist Youth League, the organizers of which were alleged to be monarchists, who were poisoning the minds of the boys of Germany with monarchist propaganda for a war of revenge.—In **financial matters** the government successfully secured the passage of important legislation. The parallel forms of taxation which prevailed under the old regime were replaced by a single national income tax and a single property tax; out of the money thus raised the whole expenditure of the commonwealth, federal, state and municipal, will be defrayed. The new regulation defines the amount to be contributed by each individual. Under the old system incomes above 900 marks were taxed without regard to the number of persons in the taxpayer's family; under the new arrangement incomes below 1,000 marks are free from taxation, and an exemption of 500 marks is allowed for the first dependent and 300 marks

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for each additional dependent thereafter. The measure was vehemently attacked by the Nationalists. An attempt to raise 5,000,000,000 marks by popular loan in December netted only about 4,000,000,000.—An important **Congress of the Independent Socialists,** held at Leipsig during the first week in December, attracted wide attention. The proposal for union of the two socialist parties, which had been agitated for some time by Herr Scheidemann, was rejected by the Independents.—The first weeks of January brought to the government new anxieties and embarrassments. In addition to a serious railway strike in Westphalia and trouble with the civil servants in regard to wages, it was confronted with attempts of the extremists to incite the working population to revolt. The Communists and Left Independents, intent upon gaining control of the productive resources of the country, endeavored to intimidate the government on January 13, on the occasion of the discussion of the **Works Council Bill,** a government measure placing workmen's councils under state control. An attempt to storm the Reichstag building was frustrated by machine guns and rifles, 42 persons being killed and 105 injured; martial law, which had been removed five weeks previously, was again proclaimed. The Works Council measure became law on February 4; it gave to elected representatives of workmen a voice in the management of all factories and industrial undertakings.—On February 24 Minister of Finance Erzberger resigned from office pending the investigation of the charge of having made fraudulent income-tax returns. — A **counter-revolutionary movement,** under the leadership of Dr. Wolfang von Kapp and apparently backed by all monarchist sympathizers, including the powerful **Pomeranian Land League,** took the government by surprise when on March 13 troops under General von Lüttwitz marched into Berlin, took possession of all the public buildings and chief strategic points of the city and caused President Ebert and the government to flee, first to Dresden and later to Stutgart. Throughout North Germany the government troops refused to fight against the rebels; South and West Germany, however, together with the Hanseatic towns, declared themselves hostile to the movement. Dr. Kapp proclaimed himself "Imperial Chancellor" and appointed Baron von Lüttwitz as commander-in-chief of the army. Unable to deal with the passive resistance of a general strike called by the Socialists, the revolutionists in numerous soothing proclamations sought to gain the confidence of the people. Their protestations made little impression, and by March 15 the *coup* had failed. In its wake came a **political upheaval,** for when the Bauer ministry returned to Berlin it found its prestige gone, and attempts of the extremists to browbeat the country into Sovietism, coupled with armed resistance of workmen in the Ruhr district, brought about its fall. Contributing to its overthrow was its inability to meet the terms of an ultimatum of the

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trade unions, demanding, among other things, selection by them of members of the cabinet, a decisive voice in drafting all new legislation, disarmament and punishment of all persons implicated in the *coup d'état*. After vainly striving to remodel his cabinet to suit the importunities of those arrayed against him, Herr Bauer resigned, and upon the invitation of President Ebert, Hermann **Müller,** Socialist, became the third Chancellor of the republic. In the **new coalition government,** apparently chosen more or less at the dictation of the trade unions, Herr Landsberg (Socialist) became Minister of Foreign Affairs; Herr Bauer (Socialist), Minister of Finance; Herr Wirth (Democrat), Minister of the Treasury; Dr. Blunck (Centrist), Minister of Justice; Herr Koch (Democrat), Minister of the Interior; Herr Gessler (Democrat), Minister of Defence; Herr Schmidt (Socialist), Minister of Economic Affairs; Herr Hermes (Centrist), Minister of Food; Herr Schlicke (Socialist), Minister of Labor; Dr. Bell (Socialist), Minister of Transportation; Herr Giesberts (Centrist), Minister of Posts and Telegraphs; Dr. David (Socialist), without portfolio. The first serious problem which the new government faced was the suppression of **Communist uprisings in the Ruhr district,** where a Red army had been organized. After methods of persuasion had failed, troops were dispatched into the valley, which lies within the neutral zone fixed by the treaty; this action caused grave concern in Paris, and on April 6 General Dongoulette marched into Frankfort and Darmstadt; Homburg, Hanau and Dieburg also were occupied. By the middle of April law and order had been restored, although unrest continued. — **General elections,** postponement of which undoubtedly hastened the Kapp revolt, were held on June 6. In the campaign the **German National People's party** (formerly the Conservative) called for the restoration of German national unity, including the return of ceded territories and colonies, an intensification of German national spirit among Germans living abroad, a strong foreign policy and a return to monarchical government. The proclamation of the **German People's party** (formerly the National Liberal) warned against disorders leading to Bolshevism, called for the retention of non-partisan officials in government and the employment of experts by the government, suggested a Labor Chamber as an adjunct to the National Assembly, and called for revision of the Versailles Treaty. It placed strong emphasis on personal initiative as against Socialist schemes of life, and proclaimed the willingness of the party to cooperate with all forces working for the reconstruction of Germany on the basis of the old ideals. The **Centrum,** a Christian People's party (formerly the Center), denounced the Kapp rebellion and Communist unrest. Styling itself the party of "constitutional fidelity", it demanded an unswerving maintenance of the constitution by a government supported by an armed force sufficient to punish all revolts

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against it whether by the Right or the Left; it opposed class rule whether by the nobility, the military, the bourgeoisie or the laboring classes, and insisted on equal rights for all. The platform of the **Democratic party** (formerly Progressive People's party) called for cooperation of all classes in the restoration of German industry, freedom of religion and insistence upon non-sectarian character of public schools, freedom of initiative and individual reward, loyal military forces, a real league of nations, to include Germany, and revision of the Treaties of Versailles and St. Germain. Above all, it demanded economy in national finances and disapproved national centralization. The **Social Democratic party** (Moderate Socialist) warned against the restoration of monarchy with its attendant militarism and capitalism, and called for the socialization of industry by the will of the people, the greatest possible taxation of capital in order that the terms of the peace treaty might be fulfilled, and centralization. The program of the **Independent Socialists** demanded a dictatorship of the proletariat, the disarming of all counter-revolutionary forces and the creation of a national army of laboring men, the liberation of all political prisoners confined for ultra-radical activities and the punishment of all counter-revolutionaries, the immediate socialization of all industries and the taking over of large estates by the government. The platform of the Independent Socialists was the only one which frankly demanded fulfilment of the terms of the Peace Treaty. The **Communists** (Extremists), while not believing in progress through parliamentary methods, drew up a long platform demanding complete abolition of capitalism and extinction of the bourgeoisie as the ruling class. — At the **elections**, which were conducted on the basis of proportional representation and in accordance with the **new franchise bill** providing for one member for every 60,000 votes polled, more than 25,000,000 votes were cast, and 460 Reichstag members were chosen, apportioned as follows: Majority Socialists, 110 (popular vote 5,531,137); Independent Socialists, 80 (popular vote 4,809,862); Centrists, 67 (popular vote 3,500,800); German Nationalists, 65 (popular vote 3,638,851); German People's party, 61 (popular vote 3,456,131); Democrats, 45 (popular vote 2,152,509); Christian Federalists (Catholic Conservative party of the Rhineland), 21 (popular vote 1,254,963); Guelphists, 5 (popular vote 318,104); Communists, 2 (popular vote 438,199); Bavarian Peasants' party, 4. On June 8 the government tendered its resignation, but President Ebert requested it to remain in office provisionally. A few days later Konstantine Fehrenbach, former president of the Reichstag, was called to the chancellorship. After having selected a cabinet which did not meet with the approval of the Majority Socialists, he finally succeeded on January 25 in forming a ministry chosen from representatives of the Catholic, Democratic and People's parties. The new

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government was made up as follows: Chancellor, Herr Fehrenbach; Minister of Justice and Vice-Chancellor, Herr Heinze; Foreign Affairs, Dr. Walter Simons; Finance, Dr. Wirth; Interior, Herr Koch; Defence, Herr Gessler; Transport, General Groener; Food, Herr Hermes; Posts and Telegraphs, Herr Giesberts; Economics, Herr Scholz; Treasury, Herr von Raumer. The portfolios of labor and reconstruction were not filled at the end of June. The new Reichstag convened on June 25. Paul Löbe, a Majority Socialist, was elected president and Wilhelm Dittmann, an Independent Socialist, first vice-president.—**Hugo Hasse,** president of the Independent Socialist party and one of the most notable figures of the German revolution, was shot as he was entering the Reichstag on October 8 by an Austrian, Johann Voss, and died from the effects of his wounds on November 7. —The committee appointed by the Constituent Assembly and headed by Herr Petersen, Democrat, as president, and Dr. Spahn, Centrist, as vice-president, to investigate **war responsibility,** held frequent sessions throughout the year; several notable witnesses, including Count von Bernstorff, Dr. von Bethmann Hollweg, Dr. Helfferich, Dr. Zimmermann, Admirals Koch and von Capelle and Generals Ludendorff and von Hindenburg, appeared before it. The investigation revolved largely around the question of unrestricted U-boat warfare and President Wilson's peace efforts.—The movement for the establishment of a **Rhine republic** (see last RECORD, p. 138) led to serious rioting at Ludwigshafen on August 29. Secession rumors continued throughout the year. — The treaty by which **Coburg joins Bavaria** was executed on February 16 at Munich by representatives of the two governments. —The **new federal state of Thuringia,** which includes Sachsen-Weimar - Eisenach, Sachsen - Meiningen, Reuss, Sachsen - Altenburg, Sachsen-Gotha, Schwarzburg-Rudolstadt and Schwarzburg-Sondershausen, was recognized on April 24.—In **municipal elections** held in Greater Berlin during June, the two socialist parties secured 125 out of a total of 225 seats in the city council. — Demonstrations against food prices throughout the entire country, in some instances leading to serious disorders, were frequent during May and June.

RUSSIA.—Relentless efforts to overthrow the Lenine government have resulted in the **continuation of chaotic civil war** during the greater part of the past year. Almost incessant military struggle, the refusal of the Great Powers to recognize the Soviet Republic, and the continuation of the Allied blockade, which has become slightly less stringent, have tended to keep the masses of the Russian people isolated and have postponed the reconstruction and rehabilitation of Russia. The **cordon sanitaire** policy inaugurated by the Allied governments in January, 1919 (see last RECORD, p. 124) ultimately failed, but only after prolonged military activities on four major fronts. On the **northern front** General Ironsides, in command of Allied troops,

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won several brilliant engagements in the Lake Onega region during the first week in August, 1919. By September the British realized the impossibility of organizing any effective military forces among the North Russians, and on September 12 Mr. Winston Churchill, British Secretary of State for War, announced that in view of the general situation the British government was compelled to resort to "the difficult and painful alternative" of evacuation. After the departure of the Allied troops from the northern front and the abandonment of the British naval base at Archangel, the Soviet forces met with slight resistance in the North Russian provinces. — **In the east** the Omsk government, headed by Admiral **Kolchak,** which had been recognized conditionally in June, 1919, by Japan and the Council of Four (see last RECORD, p. 120), asked for full American and Allied recognition. Accordingly, late in July, 1919, Roland S. Norris, American Ambassador to Japan, and General Graves, Commander of the American forces in Siberia, were delegated by the Peace Conference to investigate the strength and stability of the Kolchak regime. After three weeks of careful study and inquiry Mr. Norris reported in favor of immediate and full recognition. Despite this recommendation events seemed to foreshadow the collapse of the Kolchak government: on the field of battle Kolchak had suffered disastrous defeats; his armies, in full retreat, were disheartened and demoralized; the entire Ural front was in the hands of the Bolsheviki; the Czechoslovaks refused to fight longer on Russian soil; relations between Kolchak and one of his prominent leaders, General Semenov, were strained to the breaking point; and Kolchak apparently was feared and distrusted by the civil population. In the light of these disclosures full recognition was postponed indefinitely. Faced by disrupting forces from within and harassed by the incessant onslaughts of the ever-advancing Bolsheviki, the Siberian dictator made desperate but futile efforts to stem the tide. He valiantly endeavored to reorganize and reequip his armies; the United States hurriedly shipped large quantities of arms and munitions which had been manufactured for the Kerensky government. Early in September he assumed the offensive and by the end of the month had advanced along the entire front for a distance of 75 to 100 miles; but in the face of deadly counter-attacks he was unable to hold his line and finally withdrew. So rapidly did the Bolshevik armies advance that the end of October found them within striking distance of Omsk. On November 15 Kolchak's capital fell into the hands of the enemy, his government in the meantime having sought headquarters at Irkutsk. So much opposition was encountered at the new capital from the social revolutionary elements that Kolchak, under threat of being deposed, reluctantly gave his consent to the formation of a coalition cabinet headed by M. **Pepelaiev,** a Constitutional Democrat, who was strenuously opposed to the Bolsheviki

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and the monarchists. Although the newly constituted government announced an elaborate reform platform it was unable to quench the smoldering fires of discontent. By mid-December Kolchak was in such desperate straits that he was reported to be ready to cede part of Siberia to Japan if the latter would come to his aid. But it was too late; in less than a month the Pepelaiev government had ceased to function. In the latter part of December Kolchak retired as Commander-in-Chief of the All-Russian army and designated General Semenov as his successor. This was the last authoritative act of the former Siberian dictator, for on February 7 he and his former Premier, Pepelaiev were **executed** by direction of the Irkutsk Revolutionary Committee. The rule of **Semenov,** Kolchak's military successor, in the Trans-Baikal provinces, the only part of Siberia where a semblance of Russian anti-Bolshevik authority continued to prevail, was dictatorial. Local administrative and economic institutions were suppressed; gambling and profiteering were notoriously prevalent; and robbery and brigandage were reported as common occurrences. Even before the fall of Kolchak it was evident that the Allied governments were not entirely agreed to continue assistance to the All-Russian government; in fact the United States, on December 8, in reply to a **note from Japan** asking whether the former proposed to maintain its *status quo,* to withdraw its troops either partially or entirely, or to send reinforcements, announced that it had decided to withdraw all its forces and leave the Russian people to work out their problems without further assistance or interference. Coincident with the withdrawal of the United States troops, the **American railroad experts** under John F. Stevens, who had been superintending the operation of the Trans-Siberian Railroad, were also withdrawn. Great Britain, likewise realizing the hopelessness of Kolchak's cause, withdrew her assistance. As the power of the Siberian dictator melted away **Japan** at once took steps to **defend her interests** in the Far East. Following the statement that she desired to protect Korea and even Japan itself from the tide of Bolshevism sweeping across Siberia, she increased her military forces on the mainland and by January 8 had stationed troops as far west as Lake Baikal. During February and March additional troops were landed, and on April 5, four days after the withdrawal of the American forces, a **Japanese contingent seized Vladivostok.** The Japanese government at once officially announced that Japan had no territorial ambitions in the occupied territory, but would keep her troops in Siberia for the protection of the Korean and Manchurian borders. It was further officially declared that in disarming Russians the Japanese had no other motive than the maintenance of "peace and order". At the present time (July 1) Japan is reported to have approximately 100,000 troops in Eastern Siberia.—On the **southern front** the brilliant victories won by General Denikine during the last weeks of

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July, 1919 (see last RECORD, p. 125), were neutralized by the hostile attitude of the Caucasian population and by menacing attacks of guerilla bands, which threatened communication with the rear. Despite these dangers Denikine, supported by the British, prepared for a further advance by dividing his forces into three units: the western division was to advance in the direction of Kiev; the central was to move on Kursk and Orel; and the eastern was to push up the Volga to Kamishin. Meeting with no serious opposition from the enemy forces he easily captured Voronezh and Grafskia on October 8; at the same time one of his trusted lieutenants, General Mamontov, with 13,000 Cossacks, drove a deep wedge in the direction of Tambov, 250 miles southeast of Moscow. Finally Denikine encountered stubborn resistance, which gradually brought his advance to a halt; by mid-October he held a line extending from Kiev to Kharkov eastward along the Don to Tsaritsin. The Bolsheviki, after careful preparation, began a general attack along the entire 700-mile front, and on October 11 the Ukrainian leader, General Pettiura, who had reached the conclusion that Denikine was a representative of reactionary monarchism, declared war on the counter-revolutionaries. The inhabitants of the Kuban district were openly hostile; Astrakhan had fallen under Bolshevist domination; and Denikine's lines of communication were seriously menaced. The Bolsheviki in early November concentrated their attack on his center, and in less than three weeks this part of his army was practically annihilated. Throughout December the Soviet advance continued without interruption, despite Denikine's efforts to bring it to a halt, and by January 1, 1920, the Bolsheviki had captured Ekaterinoslav and were in possession of the Donetz coal basin, while to the southwest they had cut a deep wedge into the Trans-Caspian territory. Throughout the winter Denikine, with a disheartened and demoralized remnant of his army, offered feeble resistance to the Soviet forces. He finally gave up the hopeless struggle and fled to Constantinople, where on April 8 he boarded a British warship for England.—A **fourth military front** developed when, in the early summer of 1919, a small group of former Russian army officers, headed by Nicholas **Yudenitch** and aided and encouraged by the French and British, organized a considerable force known as the "**Northwestern Volunteer Army**". On August 15 it was officially announced that this force, supported by Esthonians, was advancing on Petrograd. This offensive, while not successful, was intimately associated with the organization of the "**Government of Northwestern Russia**", which was established in the Esthonian city of Reval in August with M. **Lianozov** as Premier. This new government supposedly represented all factions opposed to Bolshevism, but its real soul was Yudenitch, a reputed reactionary. The movement was probably sponsored by Great Britain, for, according to the terms of the **compact** between the "Northwestern" and

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the British governments, it appears that the latter agreed to (1) support the Northwestern government in its struggle against the Bolsheviki and especially in its efforts to occupy Petrograd; (2) supply Yudenitch with weapons and other necessary munitions of war; (3) exercise pressure upon Germany in order to facilitate recruiting among the Russian prisoners of war still in Germany; (4) furnish food supplies, especially to the districts suffering from the effects of Bolshevist rule; and (5) grant a special credit of 1,000,000,000 rubles for the purchase of machinery and raw materials for the restoration of Russian industry; Great Britain was to withhold this money until after the Lenine government had been overthrown. The Northwestern government in turn agreed to (1) recognize all Great Britain's special interests in the Baltic region; (2) give the Baltic countries opportunity to exercise the right of self-determination; (3) declare officially, after the capture of Petrograd, its disinterestedness in the Persian question; (4) recognize all the debts of the old Russian government; and (5) forbear to make any important purchases in Germany so long as delivery agreements based upon any credit arrangement existed with Great Britain. The government of the Northwest was even less successful than the Omsk organization, for General Yudenitch after smashing forward to the very doors of Petrograd in October was hurled back by Bolshevik forces, his scattered army falling victim to fever and starvation. This **military disaster** sapped the life-blood of the Northwestern government, so that it became a negligible force in Russian affairs.—A marked **reversal of Allied policy** occurred on January 15, when the Supreme Council at Paris, after prolonged debate, announced that the Russian blockade would be raised immediately in order to permit commercial relations with the various Russian cooperative societies, without, however, conceding any recognition to the Soviet Republic. But the attempts of the representatives of the **cooperative societies** to gain Moscow's consent to trade were unsuccessful, the Soviet government announcing that it would sink all ships attempting to trade unless an armistice was prearranged with the Bolshevist authorities; it also appears that the Soviet government officially took control of the cooperatives, and by the beginning of February commissars directed from Moscow had been established in all cooperative offices. To foreign powers such action meant either recognition of, and peace with, the Lenine government, or further postponement of commercial relations; so far, the latter course has been followed, although ceaseless attempts have been made by the Soviet authorities as well as by prominent leaders of western European states to open trade relations. On February 6 Premier Millerand of France, in addressing the Chamber of Deputies, reiterated that trade with Russia did not mean peace with the Bolsheviki, and this view was later emphasized by Premier Lloyd

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George of Great Britain in a speech before the House of Commons on February 10. Lloyd George's conclusion was that peace could not be made with the Soviets until further assurance was given that they were capable of governing Russia in a civilized manner, and, further, that the only means of restoring Russia to sanity was by reopening trade relations with her. On February 24 the **Supreme Economic Council** repeated its decision to encourage commerce between Russia and the rest of Europe, but still declined to recognize the Soviet government. Within a month it was announced from Moscow that a delegation headed by Gregory **Krassine,** Russian Bolshevist Minister of Trade and Commerce, representing the Russian cooperative organizations, had been despatched to England for the purpose of discussing the question of resumption of trade relations with the British government and the Supreme Economic Council. At the **San Remo Conference,** convened April 18, the Allied representatives were authorized to meet M. Krassine and the Russian trade delegations, and meetings took place during the latter part of May and early June. Lloyd George stated emphatically on June 3 that no trade relations would be resumed until the Soviet authorities guaranteed that there would be no attacks on British interests either at home or abroad and, further, that all British prisoners, civil or military, would be released; these negotiations are still (July 1, 1920) pending. In the meantime the Lenine government attempted to open trade relations through other channels. In April a special delegation sent to Copenhagen made an agreement with international commercial interests for early resumption of trade; during June further negotiations were carried on with the **International Committee on the Resumption of Trade with Russia** by M. Krassine, then in Copenhagen. American interest in trade with Russia expressed itself on February 2 when more than 100 representatives of American business firms met in New York City and organized the **American Commercial Association to Promote Trade with Russia.** This association has from time to time appealed to Washington for authority to enter into active commercial relations with Russia. — During the year under review authentic information indicates that the Moscow government has, theoretically at least, not only abandoned its terroristic methods but has devoted a considerable part of its energies to the inauguration and development of a program of reconstruction. With the abolition of the death penalty on January 22 **terrorism** came to an end; according to a statement by M. **Peters,** former head of the All-Russian Extraordinary Commission, the total number of persons condemned to death for counter-revolution from November, 1918, to November, 1919, was 4,444. Freedom of speech and press have been allowed within certain limits, courts of justice have been established, and as far as administrative and executive control can make for personal

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safety and the maintenance of order the Lenine government claims to have done all within its power. A maximum effort has been made to establish a nation-wide system of education and, according to M. Lunacharsky, Soviet Minister of Education, the educational budget for the year totaled 20,000,000,000 rubles; attention has also been given to problems involving sanitation, medicine and social welfare. A **new marriage code** removes all obstacles, such as differences of religious faith and like prohibitions; men and women are recognized as completely equal before the law. Another provision of the code decrees that only civil marriages are legal, and divorce is made dependent on the desire of both parties or of only one; guardianship arrangements are provided for those children deprived by divorce or otherwise of parental care. Two very interesting **labor experiments** have been tried: while compulsory labor is decreed, all persons are encouraged to belong to unions; these unions are under the direct control of the central government and, through a labor commissariat, have certain definite civic functions to perform, such as registering the unemployed and reporting on sanitary conditions in houses and factories. Even more significant has been the creation of labor armies out of military forces relieved of war duties; military bodies have been remobilized as industrial forces. It was further reported that general registration of all males from 16 to 50 years of age and of females from 16 to 45 years had taken place for the purpose of bringing the full manpower of the nation to the work of reconstruction. Despite these measures, internal conditions appear to be serious. The inadequacy of transportation, shortage of medicines, lack of food and fuel, together with other detrimental circumstances, have brought severe hardship to large centers of population. The Bolshevist authorities attribute these distressing conditions to the continuance of the Allied blockade and the persistent refusal of the Allied powers to make peace with Soviet Russia.—The Bolsheviki have frequently expressed a desire for peace, not only with their neighboring states but with the United States and the Allied powers. Their first successful attempt was made on November 6, when representatives of Esthonia, Latvia, Lithuania and unofficial delegations from Poland, Finland and the Ukraine met with representatives of the Soviet Republic and, after numerous delays and interruptions, concluded an **armistice between Esthonia and the Moscow government** on December 31. By the terms of the **treaty of peace,** signed on February 2, Soviet Russia recognized without reservation the complete independence of Esthonia; other important provisions were the immediate establishment of diplomatic and trade relations, the drafting of a commercial treaty on the basis of the most-favored-nation principle, the payment by Russia to Esthonia of 15,000,000 rubles in gold, concession for the construction of a railway from Reval to Moscow, and control over 27,000,000 acres of Russian

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forests. In return Esthonia granted to Russia the privilege of using the waterfalls of the Narova river for power purposes; and all goods from Soviet Russia arriving at Esthonia's ports were to be free from taxes or duties. M. **Litvinov**, former Soviet Ambassador to England, while in conference with British representatives at Copenhagen arranging for the exchange of prisoners, endeavored late in November to discuss peace terms; a few days later he addresed to the Allied representatives a copy of a resolution adopted by the **seventh Congress of Soviets** at Moscow on December 5, authorizing peace negotiations with the Allies. Further overtures for peace were made on February 26, at which time it was officially announced that the Soviet government had submitted a proposal to all the powers, including Japan, pledging a constituent assembly for Russia and asking for the abandonment of intervention, the signing of peace treaties, the resumption of trade and the advancement of credits. In reply to this **peace feeler** the American State Department on February 27 declared that it differed in no way from previous proposals and would therefore not be published, as it was regarded only as additional propaganda. Since then Soviet peace efforts have taken the form of trade proposals. Of the European states, France is especially reluctant to make peace with the Bolsheviki, claiming to fear repudiation of a bonded debt of 26,000,000,000 francs loaned to the old Russian government. — Political chaos has reigned throughout the year in the **Ukraine.**

POLAND.—Although Premier Paderewski, in addressing the Polish Diet on July 31, on the occasion of the ratification of the Peace Treaty, painted an optimistic picture for the future, Poland has passed through a **stormy year.** Strikes, unemployment, shortage of food and resultant starvation, lack of transport, currency depreciation and fever epidemics, coupled with critical boundary disputes and almost ceaseless warfare, sapped the energies of the reborn state. The **strained relations with Czechoslovakia** for possession of the rich Teschen mineral region (see last RECORD, p. 127) continued with little abatement, although on September 11 it was announced from Paris that the Polish and Czechoslovakian delegations had agreed to refer the disposition of the disputed territory to a plebiscite. In the Upper Silesian and East Prussian districts, where the Poles clashed with the Germans (see last RECORD, p. 127), strikes and civil strife became so prevalent that on August 21 the Supreme Council despatched an **interallied commission** to the disaffected Silesian region to assume control. In all three areas plebiscite commissions are now (July 1, 1920) at work. In spite of the protest of the Ukrainian National Committee (see last RECORD, p. 127) the Supreme Council allotted the province of **Eastern Galicia** to Poland as a mandate for a 25-year period; a subsequent modification gave Poland control for an unlimited time. **Against**

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Soviet Russia the Poles with Allied sanction waged almost **incessant war;** by September 18 they had driven the Bolsheviki to the Dvina and had advanced northward approximately 100 miles into Russian territory; at the same time they had penetrated into Lithuania, in some instances to a depth of six miles. To the east they had advanced on a wide front of 200 miles. Believing that the Bolsheviki had been pushed back to a safe distance, and perhaps alarmed at Poland's apparent desire for additional territory, the Supreme Council attempted to check the Poles from further invasion of Russian territory. With the withdrawal of General Denikine from the Ukraine, the Polish government announced on January 9 that it would send troops to occupy the evacuated territory and thus prevent Bolshevism from gaining a foothold there. Meanwhile M. Tchitcherin, Bolshevist Minister of Foreign Affairs, had on December 22 made a proposal to the Polish government for immediate peace negotiations. This was renewed during the last week in January, when the Soviet authorities expressly stated that their government had from the first recognized the independence and sovereignty of the Polish republic and further declared that there was no question, territorial, economic or otherwise, which could not be solved peacefully by negotiation. In answer to these proposals the Polish government on February 24 submitted the terms upon which it would undertake peace; these included self-determination for all peoples west of the frontier of 1772, and a demand for war indemnity for devastations committed by the Russian army in Poland as well as for damages done to Polish citizens in Russia during the Bolshevist regime. Poland's insistence upon embodying in her peace terms control of the territories as they existed prior to the first Polish partition of 1772 elicited a protest from the Supreme Council on February 28, in which the Warsaw government was reminded that Poland's eastern boundary as agreed upon on November 25, 1919, lay far to the westward of the districts over which she now endeavored to establish permanent claim. Failing to agree on the question of an armistice, **military operations were renewed** with vigor early in March. The Poles, while victorious at first, became more exacting in their peace demands, and finally negotiations were broken off. Toward the end of April Poland and the Ukraine entered into an **offensive alliance** and by June 1 had practically swept the Bolsheviki out of Little Russia. During June, however, they were forced to retreat before the advancing Soviet forces. —Inability to cope with the pressing internal problems and failure to maintain the support of the Diet resulted in the **resignation of the Paderewski government** on December 7. After various attempts to form another ministry, a **coalition cabinet,** with M. **Skulski** as Premier, was announced on December 15. In this new government General Leszniewski became Minister of War, M. Grabski, Minister of

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Finance, M. Hebdzynski, Minister of Justice, M. Iopuszanski, Minister of Public Instruction, M. Olszewski, Minister of Commerce and Industry, M. Bardell, Minister of Agriculture, M. Coyree, Minister of Transportation, M. Tolloszko, Minister of Posts, M. Kenzidor, Minister of Public Works, M. Sliwinski, Minister of Food, M. Opolowski, Minister of Labor, M. Seyda, Minister of the Former Prussian Province. Grave **labor troubles** in Galicia and Warsaw during March culminated in a demand for a general revolutionary strike, provoked by the alleged imperialism of the government. The danger, although narrowly averted by the efforts of the Socialist party, was not eliminated, and protests against the existing order continued; finally the government resigned on June 10. After a cabinet crisis of fifteen days, during which several leaders, including former Premier Skulski, failed in their efforts to bring about a reorganization of the old ministry, a **new Cabinet** was announced on June 24 as follows: Premier and Minister of Finance, M. Grabski; Minister of War, General Leszniewski; Minister of Foreign Affairs, Prince Eugène Sapieha; Minister of Food, Stanislas Slivinski; Minister of Railroads, M. Bartel; Minister of Posts and Telegraphs, M. Tolloczko; Minister of Education, M. Lopuszanski; Minister of Commerce and Industry, Antony Olszewski; Minister of Public Health, M. Chodzko; Minister of Public Works, Gabriel Naruzowicz; Minister of Agriculture, Professor Bujak; Minister of the Interior, M. Kuczynski; Minister of Justice, John Morawski. The Ministers of Labor, Fine Arts and for Posen have not yet been named. Announcement is made that the cabinet is non-political in character and will be directed by resolutions accepted by the Diet. But the Socialists and the Workingmen's party at once announced their lack of confidence. — **Elections** to the new Diet, held on May 16, resulted as follows: German National People's party, 34; Social Democrats, 19; Independents, 21; Center party, 17; German Democratic party, 10; Free Economic Association party, 12; Polish party, 7.

THE BALTIC STATES.—In an open letter addressed to President Stalberg late in October, General Mannerheim urged that **Finland** make war against Soviet Russia. Opponents of military intervention, however, were of the opinion that such action would lead to internal dissensions, and on November 4 the government formally refused to intervene. A few days later the Foreign Office issued a denial of the existence of any Finnish-Russian agreement. In a speech at Viborg on February 8, Dr. Holsti, Finnish Foreign Minister, emphatically declared that Finland had no grounds for military interference in Russia's internal affairs.—After a bitter campaign, in which the Socialists' demand for complete amnesty for all political prisoners was vigorously opposed by the more conservative parties, a measure finally passed the Rigsdag late in November, by which 3,000 persons

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were conditionally released, and 40,000, previously set at liberty, were restored to full rights of citizenship. In anti-Socialist quarters the charge was freely made that the passage of the measure was the price paid by the government for continued Socialist support.—At a congress of the Finnish Social-Democratic party, which opened at Helsingfors on December 10, it was voted, despite the opposition of the Communist wing of the party, to support the government. In the hope of gaining representation in the ministry, the party a few months later expelled certain of its Communist members. On March 5 the Vennola cabinet, representing the Progressives and Agrarians, resigned because of internal dissensions and was succeeded by a more conservatice ministry headed by Professor Erich.—At the opening of the Diet on March 20 the government's program, as announced by the president, included measures for social reform, legislation on the question of religious freedom, reform of legal procedure, and a new method of taxation.—During the year the Finns have been considerably disturbed by two territorial problems. The first involved the disputed areas of **Petchenga and East Karelia,** both of which were claimed by Russia and Finland. With a view to settling this dispute a conference with Soviet Russia was held at Systerback on April 13; owing to the uncompromising attitude adopted by both sides negotiations were broken off on April 25. In the meantime East Karelia established a provisional government, demanded the withdrawal of the Soviet forces from that region and appealed to the Finnish government for protection. The second territorial problem involved the **Aland islands** which, although Swedish in population, were claimed to belong to Finland on historical grounds. While the Alanders desire complete self-determination, and the Finnish government late in March adopted the Aland Self-Government Bill, nevertheless the measure has not been welcomed by either the Aland population or Sweden. To alleviate the situation a Finnish proposal would give Aland to Finland under a mandate from the League of Nations.—After a long struggle against the Germans and the Bolsheviki **Esthonia** and **Latvia** have turned their attention to internal problems. According to the government's program, as presented to the Esthonian Constituent Assembly on November 21 by Prime Minister Tormisson, provision was made for reforms affecting agrarian and labor conditions as well as finances; extremist tendencies were to be discouraged as detrimental to the maintenance of public order.—The members of the **new Lithuanian cabinet** were announced as follows: Presidency, Finances and Commerce, M. Galvananski, Popular Socialist; Foreign Affairs, Professor A. Voldemar, Progressist; Interior, Dr. E. Dranglis, Christian Democrat; Public Instruction and Agriculture, T. Tubelis, Progressist; Communications, M. Tscharnetzkis, Christian Democrat; Justice, L. Noreika, Progressist; National Defence, M. Latnwas, Independent.

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AUSTRIA.—Confined within the narrow boundaries of a few provinces, with a starving, unemployed population dependent for food and coal upon none too friendly neighboring countries and subject to the ravages of disease, with trade completely paralyzed and a government drifting helplessly toward bankruptcy, the remnant of the former Austrian Empire has had a desperate struggle for existence during the year under review. On September 6 the National Assembly by a vote of 97 to 23 **accepted under protest the Treaty of St. Germain** (see *supra*, p. 10), which was later ratified, the German party being a unit in opposition. Following the disposition of the treaty the **cabinet was reorganized;** Dr. Karl Renner, the Chancellor, became Minister of Foreign Affairs; Herr Jodok Fink, Vice-Chancellor; Herr Eldersch, Interior; Dr. Rudolph Ramek, Justice; Dr. Julius Deutsch, Military Affairs; Dr. Richard Reisch, Finance; Herr Stockler, Agriculture; Herr Zerdik, Commerce; Herr Paul, Transportation; Herr Hanusch, Social Administration; Dr. Johann Loewenfeld, Food Supplies; Professor Michael Mayr, Constitutional and Administrative Reforms. Despite this reorganization, conditions did not improve. During November it was reported that in Vienna alone 100,000 men were unemployed, 6,000 families homeless, 2,500,000 persons on the verge of starvation, and 80 per cent of the children suffering from rickets. Throughout the country the krone, normally worth twenty cents, had depreciated to one-thirtieth of its original value. It was also disclosed that for the fiscal year ending October 1, the government had spent 8,441,000,000 kronen, while its total income amounted to only 3,444,000,000; to meet this deficit paper money was printed. Finally, on December 11, the Supreme Council, after listening to the plea of Chancellor Renner for assistance, decided to allow a credit of $70,000,000 for food. The Council informed the Chancellor at this time that it would not permit the **threatened separatist movements** of Voralberg, Salzburg, Tyrol and Western Hungary, which had been working to disrupt Austria and unite with neighboring states, to materialize. During the winter the suffering and destitution became so intense that in an effort to relieve conditions all railway passenger trains were discontinued for one week, beginning December 27. In February Dr. Renner visited Prague in the hope of obtaining additional coal from the Czechs, and Baron Koranyi, who had become Minister of Finance, journeyed to Paris to secure new loans. They were both unsuccessful in their missions, but temporary relief was afforded in April by the arrival of 93 carloads of supplies. Currency depreciation and consequent increase in prices have continued; for instance, it was reported that in April milk increased from about 80c. to $3.00 per quart. Adulteration of all food supplies has been common; in the month of March there were 3,437 court cases for this offense alone. During May and June the economic situation showed

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slight improvement. — A long-anticipated **political upheaval** came on June 11, when the cabinet tendered its resignation. For some weeks before, the Left had felt that the Christian Socialist or government party had steadily blocked legislation to which the former were pledged, but the crisis was hastened when at Epatz gendarmes fired into a crowd which was demonstrating against profiteering in food and many were killed. The government was accused of blocking an investigation and punishment of the soldiers. Reports of a strong movement in Tyrol, Salzburg and portions of Upper Austria to join Bavaria and create a Catholic kingdom under Prince Rupprecht contributed to the fall of the government. Anti-Semitic demonstrations as well as threatened monarchist uprisings frequently occurred during the last months of the year.—The draft of a **new Constitution** has been prepared.

HUNGARY.—After an ill-fated invasion of Rumania late in July, 1919, the **Radical government** established under the leadership of **Bela Kun** (see last RECORD, p. 132) came to an end. Its fall was hastened by the publication on July 26 of a statement by M. Clemenceau in behalf of the Peace Conference to the effect that the removal of the Hungarian blockade and the furnishing of food supplies were contingent upon the ousting of the Communist leader. The government of Bela Kun was succeeded by one composed of moderate socialists headed by Jules **Peidll.** The new government was at once paralyzed when, in defiance of the Supreme Council, the **Rumanians occupied Budapest** on August 5; two days later it was overthrown by a monarchist *coup d'état,* **Archduke Joseph** proclaiming himself Governor and appointing a **coalition cabinet** with Stephen **Friedrich,** a follower of Count Karolyi, as Premier, Martin Lovassy, Minister of Foreign Affairs, and Baron Sigismund Perenyi, Minister of Interior. In his accession to power the Archduke had the support of the monarchists and the peasantry, but was opposed by all the socialist and liberal groups. In his position as head of the government he was bitterly attacked by Mr. Herbert **Hoover,** who declared before the Peace Conference on August 21 that the new countries of Central Europe were being terrorized by fear of the reestablishment of a Hapsburg dynasty. Largely as a result of Mr. Hoover's testimony, the Supreme Council despatched an ultimatum to the Archduke, insisting upon his retirement, with which he complied on August 23. The Allies requested the Friedrich government to continue in office until a representative government could be formed, but so much hostility to it developed on the ground that it was extremely reactionary, that it was reported to have resigned on September 1 in favor of a new ministry organized by Franz Heinrich, a wholesale hardware dealer of Budapest. Instead of resigning, however, Friedrich reorganized his cabinet and for the time being strengthened his control

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by securing the withdrawal of the Rumanian forces and holding the extreme radicals in check. He failed to convince the Supreme Council that his government was representative or to accommodate himself to a genuine coalition ministry, and retired on November 18, after nominating Carl Huszár, a Christian Nationalist, as his successor. Huszár was at first strongly opposed by both the National Democrats and the Socialists, but these parties were finally placated by an agreement that general elections would be postponed till January and that the future form of the government should be decided by a plebiscite. The **new coalition cabinet,** in which Friedrich accepted the Ministry of War, was officially recognized by the Entente as the *de facto* provisional government. To gain this recognition it agreed to maintain law and order, preserve popular liberties, hold elections without delay on a democratic basis and to abstain from aggressive action against neighboring states. In endeavoring to fulfil these obligations considerable criticism of the government's methods was expressed, and as a protest against what was alleged to be tyrannical interference with political and personal liberties the two representatives of the Social Democratic party withdrew from the cabinet.—On December 27 it was officially announced that the military authorities had discovered a dangerous Communist plot for the destruction of the government.—The **general elections** for the National Assembly, held on January 25, resulted in an overwhelming victory for the parties of the Right: the Christian National Union and the Small Landholders; the former secured 68 seats, the latter 71. The other seats were distributed as follows: Christian Socialists, 5; Christian Social Economic party, 4; United Christian National Small Landholders, 3; Christian Small Landholders, 4; National Democrats, 6; non-party, 3. The Assembly opened on February 16 and unanimously chose M. Rakovsky as its presiding officer. On March 1 it was announced that Admiral Nicholas **Horthy** had been elected Vicegerent (Lord Protector) by the National Assembly. Immediately following this election the **Huszár ministry resigned,** and on March 10, after the retiring Premier had declined renomination, M. Simonyi-Semadam, a Christian Nationalist and close personal friend of M. Huszár, formed a new government, whose program included measures of agrarian, financial and economic reform. Attempts to deal with the land question have met with bitter opposition from the aristocratic landowners. **Reactionary terrorism,** conducted by the "Society of Awakening Hungarians" and by army officers throughout the last half of the year, finally resulted in the overthrow of the cabinet on June 10. **Anti-Semitic demonstrations** have also been of frequent occurrence.

CZECHOSLOVAKIA. — Like its Central European neighbors, Czechoslovakia has suffered, but to a lesser extent, from **food shortage** and **economic ills.** — In August considerable anxiety was mani-

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fested by the attempt of the Hapsburg Archduke Joseph to establish himself in Hungary.—That the Bohemian Germans desired **union with German Austria** was apparent by a message to the Foreign Relations Committee of the United States Senate on September 3, in which they appealed for self-determination; their discontent was much allayed, however, when in December they were assured by Premier Tusar that neither they nor any of the minority elements would be discriminated against.—The **new Constitution,** adopted in February, proclaims the state to be a democratic republic with a president at its head, elected by the legislature for a term of seven years. It provides for a bicameral parliament, a senate of 150 members above twenty-six years of age elected for eight years by universal suffrage, and a chamber of deputies of 300 chosen for six years, for which all men and women who have attained the age of twenty-one may vote. Power is really lodged in the lower house, the senate being merely a revising body. The president is bound to summon both branches to two ordinary sessions each year. The president may prorogue the legislature but not for longer than one month, and only once a year; he also has the right to dissolve it. The ministers are responsible to the chamber and must resign if that body expresses lack of confidence. The Constitution contains a bill of rights modeled after that of the United States. The Czechoslovak language is the official language of the republic, but in all districts in which any racial minority numbers more than 20 per cent, the minority may use their own language in public offices and courts and may have their own schools. Minority representation is provided for, and voting is by districts and party lists.—On April 15 the National Constituent Assembly, having completed its work, dissolved, and the Tusar ministry resigned. **New elections** were held for the Chamber of Deputies on April 18 and for the senate on the 26th. As a result the Czechs polled 4,203,480 votes, electing 199 deputies, as follows: Social Democrats, 74; People's party (Clericals), 33; Agrarian, 28; Czech Socialist, 24; National Democrats, 19; Peasants' party, 12; Traders' party, 6; Progressive Socialist, 3; the Germans cast 1,576,692 votes, electing 72 deputies as follows: Social Democrats, 31; German Electors' Union, 15; Farmers' Union, 11; German Christian Socialist, 10; German Liberal, 5; the Magyars polled 274,630 votes, electing 10 deputies as follows: Magyar Christian Socialist, 5; Magyar Social Democrats, 4; Agrarians, 1. It is expected that eventually 19 deputies will be elected from Carpathian Ruthenia, Teschen and Hluĉín. One of the first acts of the newly elected Parliament was to choose Thomas C. **Masaryk President of the republic** by a vote of 284 to 61. The new ministry is composed as follows: Vladimir Tusar (Socialist), Premier and Acting Minister of Defence; M. Svehla (Agrarian), Interior; M. Benès (Socialist), Foreign Affairs; M. English (Non-Party, expert),

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Finance; M. Srobar (Slovak), Health and Administrative Unification; M. Stanek (National Democrat), Post and Telegraphs; M. Habermann (Socialist), Education; M. Stribrny (Socialist), Railways; M. Vrbensky (Socialist), Public Works; M. Sonntag (National Democrat), Commerce; M. Johanis (Socialist), Food; M. Derer (Slovak Socialist), Slovak Affairs; M. Prashek (Agrarian), Agriculture; M. Hotovec (Non-Party, expert), Minister without Portfolio in charge of Foreign Trade Expansion.

BALKAN AND DANUBIAN STATES. — The political status of **Albania** remained unsettled. In the hope of maintaining their independence and territorial integrity the Albanians have established a new provisional government with headquarters at Tirana; it is currently reported, nevertheless, that Greece and Italy, with the approval of the Powers, have reached an agreement for the partial dismemberment of the country. Albanian patriots suffered a severe loss on June 15 when their leader, Essad Pasha, was assassinated in Paris.—Throughout the year **Rumania** has passed through one political crisis after another. On account of his father's refusal to sanction his marriage with Zysis Lambrino, who was not of royal or noble blood, **Crown Prince Charles** in August renounced his right and title to the succession; **Prince Nicholas,** second son of King Ferdinand, was recognized as heir-apparent. — On September 10 the **Bratiano ministry** (see last RECORD, p. 140) resigned, having failed to lift the censorship and sign the peace treaty with Austria; it was succeeded by the **"Ministry of the Generals",** headed by General Vaitoiana, a close personal friend of M. Bratiano. In the **general elections** held under the direction of this military administration, in which the opposition refused to participate, the National Liberal (Bratianc) party elected 100 deputies while the Nationalist party, the Peasants' party and other independent groups seated 120 members; the Germanophil (Marghiloman) party secured only five seats. The Vaitoiana cabinet was unwilling to sign the Treaty of Peace, even though faced by an ultimatum from the Supreme Council, and in consequence tendered its resignation. On December 2, just previous to the expiration of the ultimatum, King Ferdinand directed M. **Vaida-Vorvod,** of well-known democratic tendencies, to form a cabinet; on December 7, two days before the completion of the cabinet, the **Treaty of St. Germain** was signed. The by-elections to the senate early in February were adverse to the government. The **cabinet resigned** on March 15, and General Averescu, Minister of Interior, was summoned to form a **new government.** Relying for support upon the Conservative and Liberal parties of the old kingdom, the new premier adopted a policy looking to the centralization and economic reconstruction of **Greater Rumania.** To this end **parliament was dissolved** on March 27 and **new elections** ordered.—A further step toward centralization was the dissolution of

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the National Councils of Transylvania, Bukovina and Bessarabia, and the **subdivision of the entire state into departments,** with prefects nominated directly from Bucharest. In the reduction of the number of deputies in the chamber from 548 to 324 the Transylvanians lost more seats in proportion to their population than the old kingdom, and for this reason they charged discrimination. A **general amnesty** grant was approved by the government on April 18.—Political events in **Bulgaria** have centered largely in the question of Thrace and the Peace Treaty. In the **August elections** the Left and Agrarian parties scored a decisive victory over the followers of former Premier Radoslavoff. Publication of the **official Treaty** during the first week of October led to a movement, supposed to have been supported by the government, for its rejection. The provisions of the document particularly distasteful were the demand for the payment of $445,000,000, the loss of Thrace and the rectification of the western frontier in favor of Greece and Serbia, the reduction of the army to 20,000 men, the surrender of the movable spoils of war, and the obligation to deliver 250,000 tons of coal to Serbia. In the midst of the agitation the government went out of office and M. **Stamboulinsky,** the Agrarian leader, succeeded in forming a cabinet reported to be pledged to sign the Treaty of Peace. In the new government five portfolios were held by Agrarians: Premier and Minister of War, M. Stamboulinsky; Public Instruction, M. Kaaloff; Railways, M. Torlakoff; Interior, M. Dinntroff. Two portfolios were held by Moderate Socialists: Foreign Affairs, M. Maggiaroff; Commerce, M. Buroff.—On November 4 the government announced its decision to arrest and bring to trial all ex-ministers of the Radoslavoff cabinet and all other leaders responsible for involving Bulgaria in the war on the side of Germany. This announcement was followed on December 15 by the declaration that ex-Tsar Ferdinand would also be brought to trial. —In January **anti-dynastic revolts,** fomented by opposition groups and aided by serious industrial strikes, threatened to overthrow the government. As a result of general parliamentary **elections** on March 28, the Socialist representation was reduced from 39 to 9. The distribution of seats was as follows: Agrarian or Peasant party, 110; Communists, 50; Democrats, 23; Populists, 16; Socialists, 9; Progressives, 7; Radicals, 7; Ghenadievists, 3; Liberals, 3. The new Parliament opened on April 19, at which time Premier Stamboulinsky announced the retirement of the non-Agrarian members of his cabinet. The royal address read by the Premier emphasized the readiness of the Bulgarian people to start on the task of reconstruction and to resume friendly cooperation with their former enemies.—In **Greece** the Venizelos government has retained control, although numerous attempts have been made by opposition groups to dislodge it. Its continued tenure appears to be due in a large measure to its successful foreign

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policy, its strict censorship of the press and the seeming inability of opposition parties to unite against it. Late in November a **royalist plot** to assassinate the Premier, overthrow the government and restore King Constantine was detected and thwarted. Of the conspirators General Libritis, Colonels Derberes and Karapateas and Captain Kanabonvos were sentenced to life imprisonment. The government, in accordance with the terms of the **new agrarian law,** has expropriated on a large scale the landed estates, reselling them to small farmers. Under the provisions of the **new labor law** all persons not genuine native workmen are excluded from labor unions; strikes are unlawful unless preceded by due notice and recourse to government arbitration, and unless voted by a real majority of each labor union. Throughout the year keen interest has been manifested in the disposition of **Thrace** and the territorial provisions of the Bulgarian and Turkish peace treaties (see *supra,* pp. 2, 8).—On account of internal dissensions, ministerial crises and serious territorial disputes, particularly with Italy, Hungary and Rumania, the new kingdom of **Jugoslavia** has passed through a fretful year. Politically the kingdom is divided into **two antagonistic factions:** Federalists and Centralists. The former is composed of a coalition of radical and regionalist factions led by M. Protitch, which maintains that Jugoslav unity is best served by granting broad autonomy to the seven provinces, which represent political, cultural and economic differences. The latter, of which the Democrats and Socialists form the nucleus, and which looks upon M. Pribitchevitch as its leader, would transform the Jugoslav lands into a strongly centralized state on the French model. Between these two factions the political pendulum has oscillated throughout the year. Owing to the inability of Premier Protitch, veteran leader of the old Radical party (Federalist), to agree with the members of his official family, the **ministry resigned** on August 3 and was succeeded two weeks later by a government headed by M. **Davidovitch,** leader of the Young Radical party (Centralist). The new government, consisting of 13 Democrats, mostly Serbs, and 3 Socialists, all Croats, lasted only about a month, when it withdrew because of its unwillingness to sign the treaty of peace with Austria, many stipulations of which were believed by the ministry to infringe upon the sovereignty of the kingdom. After futile attempts by M. Protitch and M. Trikovitch to form a cabinet, the task was successfully undertaken by Professor **Pavlovitch,** who in turn yielded to former Premier Davidovitch; the latter, being supported by a Democratic-Socialist bloc, retained office until February 15. Following the vain endeavor of M. **Vesnitch** to form a coalition cabinet, the leader of the Federalists, M. Protitch, succeeded in organizing a government composed of 10 Serbs, 4 Croats, 3 Slovenes and 1 Bosnian; the Democratic-Socialist bloc was not represented and, in consequence, ob-

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structed all business. This complicated situation entered a new phase on March 27, when the parliament adjourned *sine die;* the resignation of the Protitch government followed on April 19.

IBERIAN STATES. — The forces which were responsible for the unsettled political and economic conditions in the Iberian peninsula during the year 1918-1919 continued to prevail throughout the year under review. — In **Spain** the **Toca ministry,** from its inception late in July, 1919 (see last RECORD, p. 142), until its downfall early in December, was unable to surmount the many difficulties which confronted it. At a congress of the Employers' Federation, meeting at Barcelona late in October, a **general lockout** was declared, to become effective November 3; as a result all the principal industries, trades, professions, even schools and public works were affected, and more than a million workers were thrown out of employment. While the Employers' Association declared its purpose to destroy the power of the General Federation of Labor, its action was generally considered to be political, inasmuch as it had in a series of defiant and arrogant manifestos openly expressed its intention of bringing about the downfall of the government — Still another difficulty was apparent when upon the reopening of the Cortez, November 14, the ministry was unable to obtain approval of its **budget;** the document, showing a deficit of 400,000,000 pesetas, did not make a favorable impression in financial circles, and the distribution of taxes caused dissatisfaction among the masses; it was bitterly attacked by the conservative Maurist party. Matters came to a climax when certain infantry juntas, supported by Señor **La Cierva** and Señor **Maura,** defiantly refused to abide by a ruling of the Minister of War. On December 6 the **cabinet resigned** but at the request of the king withdrew its resignation. Greatly weakened in prestige and still unable to pass its budget, it again resigned and on December 11 was succeeded by a **coalition ministry** under the leadership of **Allende-Salazar.** — The new government was faced by the same difficulties encountered by its predecessor. The struggle between the employers and syndicalists continued with little abatement, lockouts succeeding strikes and strikes succeeding lockouts until the country was on the verge of financial and economic ruin. All attempts of the Allende-Salazar government to terminate this internal warfare were futile; nor was it any more successful in solving the junta problem. In consequence **ministerial changes** and threatened **cabinet resignations** were of frequent occurrence throughout the winter. The government finally succeeded, after months of turbulent debate, in securing the **passage of the budget;** this accomplished, it retired on April 28. A week later Señor **Eduardo Dato,** Liberal leader and former Premier, formed a new cabinet composed solely of members of the Liberal-Conservative group. In recently published manifestos the leaders of the ultra-

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Conservatives, Señor Cierva and Señor Maura, have declared their intention of supporting the Dato government in its efforts to cope with the serious social and economic conditions. — In the **municipal elections** on February 8 the Socialists made notable gains. — It is of interest to note that during the past two years Spain has had no fewer than eight new governments and over fifty ministerial changes.—Antonio Almeida, former Premier and Minister of Colonies, was elected **President of Portugal** by Parliament on August 5 by a vote of 123 against 31 for all other candidates, 13 not voting. After a vain attempt to tranquilize the opposition by reconstructing his cabinet, Premier **Cardoso** and his **ministry resigned** on June 6. A new **Liberal ministry** headed by Señor **Fernandes Costa** having failed of support because of its alleged "Decembrist" character, another **Coalition cabinet** was formed by Doctor **Domingos Pereira.** Owing to the inability of this government to meet the demands of the State Railwaymen's Association, a **general strike** ensued, and on March 6 the **government** was **overthrown.** After abortive attempts by Señor **de Castro** and Señor **de Silva** to organize a ministry, Colonel **Baptista** succeeded in forming one which set out to restore order and reduce the cost of living.—Expressions of fear that the Portuguese colony of **Mozambique** would be annexed by the South African Union were frequently heard during the year.—**Ratification** of the Peace Treaty occurred on April 1.—The death of Premier Baptista occurred on June 6; he was succeeded by Ramos Petro, Minister of Justice.

SCANDINAVIAN STATES. — In Sweden the government program, as announced on October 27, included gradual reduction of armaments, industrial cooperation as opposed to socialization, government regulation of trusts, obligatory sickness insurance and relief of housing conditions.—On account of their relations with an alleged profiteering concern, Home Secretary Schlotte (Liberal) and Minister of Education Rydén (Socialist) resigned in mid-November. Herr Holinquist (Liberal) became Home Minister and Olof Olsson (Socialist) succeeded to the Education portfolio. — The new **eight-hour law,** which became effective on January 1, resulted in widespread strikes; the workers demanded higher wages to compensate for shorter hours, while the employers insisted upon an increased output. —Unable to agree upon the question of **taxation,** the coalition government, headed by Herr **Edén,** resigned on March 6. Five days later Hjalmar Branting, leader of the right wing of the Socialist party, formed a new ministry. The **Branting government,** unique in being not only the first Socialist government in Sweden but the first to be formed in a constitutional monarchy, was made up as follows: Hjalmar Branting, Prime Minister; Baron Erik Palmstjerna, Foreign Affairs; Professor Osten Undén, Justice; Albin Hansson, War; Bernhard Eriksson, Navy; C. E. Svenson, Interior; Fred Thorsson, Treasury;

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Olof Olsson, Education and Public Worship; Richard Sandler and Thornsten Nothin, Ministers without Portfolio. The **program of the new government** includes socialization of industry by parliamentary means, expropriation of large properties for a fair compensation, democratization of courts, free legal defence, abolition of the death penalty, disestablishment of state church, and national disarmament with a view to having all necessary policing done by the League of Nations. One of the most important measures enacted under the Branting regime is a **marriage law,** which passed the Riksdag on April 17; by its provisions the husband is deprived of personal guardianship over the wife and of legal right to dispose of the wife's personal property. The wife may acquire property in her own right. If the husband owns the family home, he cannot sell it over the heads of his children without his wife's consent. If both parties to a marriage desire a divorce, no court action is required; the parties merely register before a judge, and the marriage is automatically dissolved.— By a national plebiscite held on October 6, **Norway,** by a vote of 436,269 to 284,402, decided to prohibit all traffic in whiskey, brandy and other distilled liquors.—The organization of a **Young Left party** has created considerable interest throughout the nation. Its **program** includes, among other things, disarmament, universal suffrage, communal control of natural resources and agencies of transportation, abolition of small holdings, state control of business, progressive taxation, old-age and disability insurance for all persons and a reformed educational system. — In the **municipal elections** held on December 1 the Conservatives made sweeping gains, largely at the expense of the Socialists. General satisfaction was expressed over the Spitzbergen award (see *supra,* p. 16). — Political interest in **Denmark** has centered to a great extent in the **Slesvig plebiscites** and in their consequences. In a speech before the Rigsdag Premier **Zahle** indicated that the government would abide by the decision of the people in the plebiscite zones, and would be opposed to any other means advocated or employed to bring the territories in question within the boundaries of Denmark. The first zone by a large majority voted for union with Denmark; in the second zone, however, a larger vote was cast in favor of union with Germany. In consequence the government became the target for an attack by King Christian and the Conservatives, the charge being made that it had connived to give the Germans a majority in the second zone and was responsible for no plebiscite being held in the southern zone. On March 27 the King demanded the **resignation of the government** because of its "unpatriotic" attitude and summoned M. **Neergaard,** leader of the Liberals, to form a ministry. A storm of protest arose and, under threat of proclaiming a republic, Progressives throughout the country demanded the reinstatement of the dismissed cabinet. M. Neergaard

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failing to command a majority, the King appealed to M. **Liebe** to form a "non-political" government whose chief function would be to order new elections for the lower house (Folkething). Faced by a general strike, the Liebe government resigned after four days' tenure of office, and a **provisional cabinet,** opposed to the King's action in dissolving the Zahle government, was assembled by M. Friis, former Director of the Ministry of Justice. As a result of **elections** for a new Folkething, held April 26, the Left party secured 48 seats (45 in 1918); Conservative People's party, 28 (22 in 1918); Social Democratic party, 42 (39 in 1918); Radical Left party, 17 (33 in 1918); Tradesmen's party, 4 (1 in 1918). The Free Social Democratic party, which favored the annexation or internationalization of Flensburg, polled 7,255 votes, and the Centrum party, opposing this policy, polled 9,055 votes. Neither succeeded in electing members. Following the elections a **new cabinet** was organized by M. Neergaard.

OTHER EUROPEAN STATES.—Early in November S. de Graaf, former Vice-President of the Dutch East Indian Council, became Minister of Colonies in **the Netherlands,** succeeding A. W. F. Idenburg. Other **ministerial changes** included the resignation in December of Minister of Marine Bijleveld and Minister of War Alting van Gensan; on March 29 the two departments were combined under General W. F. Pop as Minister of National Defence. — **Socialist proposals** for the nationalization of land and the socialization of industry were defeated on November 21 by large majorities. A general **dock strike** commencing February 24 and continuing until April 28 practically paralyzed shipping. By the provisions of the **45-hour working-week law** factories, workshops and offices will have five days of eight hours work and one day of five hours; dock labor is to be arranged according to the exigencies of the work and season; farm employees are to work eight hours per day in winter, ten in summer and twelve hours during the harvest season; **Sunday labor** is to be permitted only by order of the government, and the employment of children under the age of thirteen is prohibited. — In **Luxemburg** the long-postponed plebiscite (see last RECORD, p. 143), in which women had a vote, was held on September 28, and over 90,000 voters participated. On the **dynastic question** 66,811 votes were cast for the retention of **Grand Duchess Charlotte,** 1,286 for another duchess of the same ruling family, 889 for the substitution of another dynasty, 16,885 for the establishment of a republic. An **economic union with France** was favored by 60,135 as against 22,242 for one with Belgium. In **general elections** held on October 26 under the new law providing for **scrutin de liste** with proportional representation and universal suffrage over the age of twenty-one, the Clericals (formerly Catholics and Agrarians) elected 24, Socialists 11, Radicals (formerly Liberals) 7, Independents 2, and pro-Belgians 4.—According to official statement, **elec-**

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tions to the National Council in Switzerland gave the Radical Democrats 63, Catholic Conservatives 42, Socialists 39, Peasants 27, Liberal Democrats 9, other groups 9. In the popular referendum to decide the question of **membership** in the **League of Nations,** held on May 15-16, 11½ cantons voted for and 10½ against the proposition; the **popular vote** favored it by 400,000 to 300,000. The greatest majority in favor of the League was polled in Vaud, where the result was 61,000 to 4,000. The German-speaking cantons gave a majority of 10,000 in opposition to the League.

XI. ASIA AND AFRICA

CHINA. — In spite of the many utterances of Japanese publicists and statesmen, insisting that it was Japan's irrevocable intention to restore **Shantung** in full sovereignty to China, intense resentment over the Shantung provisions of the Peace Treaty continued to find expression throughout the year. On September 14 Dr. Paul S. Reinsch tendered his resignation as United States Minister to China because of his opposition to the Shantung settlement. Upon his return to the United States on October 9 he stated that the Chinese boycott of all things Japanese was being so efficiently maintained that Japanese interests were sustaining enormous losses. Evidence of this was indicated by the serious decline in the trade of Japanese steamship companies, which fell from 154 tons per trip in 1918 to an average of barely 71 tons per trip in 1919. The Japanese brought strong pressure to bear on the Peking government in an effort to end the boycott, but it still (July 1, 1920) continues, threats and persuasions notwithstanding. A **grave crisis** was narrowly averted as a result of disorders at Fuchow on November 16, when a number of Chinese were killed or wounded by Japanese residents. In consequence the Chinese government on December 1 demanded that the Japanese consul at Fuchow be removed; that Japan pay an indemnity for all Chinese lives lost as a result of these attacks, as well as the cost of all medical expenses incurred by the wounded Chinese; that adequate punishment be meted out to the Japanese ringleaders; and that the Japanese consul at Fuchow apologize to the Chinese authorities of that city. Throughout China anti-Japanese feeling ran high, and it was intensified by the arrival of four Japanese warships at Fuchow. The situation, although relieved by a Japanese announcement on December 31 to the effect that the war vessels would be withdrawn, was not materially improved, as neither the boycott nor the Chinese attitude of hostility suffered any visible change. Relations were not improved by the refusal of China to open negotiations regarding territory ceded under the treaty (see *supra*, p. 14).—The disunity and disorganization resulting from **inter-party strife and civil war** between the two most important sections of the country have con-

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tinued to prevail (see last RECORD, p. 144), and efforts toward reconciliation, although not infrequent, have thus far failed. — In October the chieftans of **Outer Mongolia** announced their intention of cancelling the autonomy which Russia had induced them to proclaim in 1912; their request of November for reunion with China was granted. —Early in January the organization of a **new cabinet** under General Chin Yun-Peng, formerly acting President, was thought to mark the end of the bitter strife between the political groups in Peking as well as to open the way for the conclusion of civil war. In this cabinet General Chin Yun-Peng became Prime Minister and Minister of War; associated with him were Lu Tseng-Shiang, Foreign Affairs; Tien Wen Lioh, Interior, Commerce and Agriculture; Li Hsu-Ho, Finance; Admiral Sah Cheng-Ping, Navy; Chu Shen, Justice; Tseng Yuchun, Communications. This government was constantly hampered by the Anfu or Conservatives, who favored opening negotiations with Japan. On February 19 the Minister of Foreign Affairs and Cheng-Lu, Vice-Foreign Minister, were forced out of office for opposing such negotiations; ten days later the Prime Minister resigned for the same reason but subsequently reconsidered his resignation after a compromise agreement had been reached. Early in May, however, he again resigned, being succeeded by Admiral Sah Cheng-Ping.—It was officially announced on March 21 that the Chinese government had received expressions of goodwill from Soviet Russia. A proffer of peace has also been made, based on the renunciation of Russia's share of the Boxer indemnity, and on the transference to China of the right to control the Chinese Eastern Railway.—The details of the **consortium agreement** (see last RECORD, p. 69) for financing China have finally been arranged. All loans by banking groups of the United States must have the approval of the State Department, and the same procedure is to be followed in other countries. Japan will have the right to object to loans for any project which in her opinion will jeopardize her national life or vitally affect her sovereignty. — Although China has steadfastly refused to sign the Treaty of Versailles, the Parliament on August 8 authorized the President to issue a mandate declaring an end to the state of war with Germany. Ratification of the Treaty of St. Germain, entitling China to participation in the League of Nations, occurred on June 21.

JAPAN. — Throughout the year **Korea** has been a source of constant anxiety to Japan. The radical revision of the Korean government, agreed upon by the Japanese Privy Council on May 15, 1919 (see last RECORD, p. 146), was promulgated on August 19 by an imperial rescript abolishing the military administration in Korea, introducing a civil government in its place and declaring the purpose of putting Korea on the same footing as the provinces of Japan. Two civilians, Baron Saito and Mr. Midzuno, were appointed Governor

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General and Director General of Administration, respectively. Just before his departure for Korea Baron Saito, in outlining his **program of reform,** announced that he would adopt a liberal policy, allow Koreans to hold office, respect their traditions, prevent military intimidation and insure fair treatment to all. Upon his arrival at Seoul, however, great hostility was shown toward him, and as he was leaving the railway station a bomb exploded under his carriage, but he escaped death. This act was found to be the result of a widespread conspiracy, and, in consequence, martial law was proclaimed and the city placed in a state of siege. Meanwhile agitation for independence continued. In a proclamation addressed to "the people of the world", issued at Washington on August 31, the "Republic of Korea" repudiated the sovereignty of Japan. This document was signed by Dr. Syngman Rhee as "President of the Republic of Korea" and J. K. S. Simms, chairman of the Korean Commission at the Peace Conference. Early in November a provisional government was formed in Shanghai among the Korean immigrants and, although ultimately dispersed by the French authorities, it induced the Korean prince Yi, who was virtually a Japanese prisoner, to escape with the object of leading the movement. He was soon captured, and the immediate danger passed, but fears are entertained of a recrudescence of the movement. To guard against it the Japanese forces have been augmented. The Governor General attributed the growing unrest to the propaganda of missionaries, whom he denounced as fomentors of sedition.—The general satisfaction at first expressed in regard to the **terms of the Treaty of Versailles** later gave way to chagrin. Viscount Kiyowra, head of a special committee appointed by the Privy Council to examine the treaty, stated on October 27 that the government had signally failed in not insisting on Japanese occupation of the South Sea Islands and securing recognition of Japan's special position in the Far East; he declared that the Japanese delegation should have protested against the proposal to bring the former German Emperor to trial, and that the racial question should not have been raised. Following this statement the Council on October 30 suggested the impeachment of the Hara ministry and the members of the peace delegation. —Like the rest of the world, Japan has been afflicted by **social and industrial unrest.** In November the government undertook an extensive campaign to reduce its own expenses and lower the high cost of living. The lavishness of the imperial banquets was curtailed, and cotton speculators and food profiteers were prosecuted, but with little effective result. Early in December an extensive strike of miners demanding an 8-hour day was accompanied by serious rioting, and some sixty members of the Ywai-Kai, a labor association, were arrested. During the winter the continued unrest was marked by strikes of the Tokio tramway workers and government steel mill em-

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ployees. Following an era of feverish speculation the country, toward the end of April, found itself in the grip of a financial depression; Tokio exchange stock dropped 210 points. The contributing causes of the crash, in addition to the wild wave of speculation, were the tightening of the money market, the loss of gold and the adverse balance of trade, due largely to the Chinese boycott. The excess of imports over exports during the first three months of 1920 was $130,000,000—equal to nearly 50 per cent of the total exports.—The question of the **extension of the suffrage** (see last RECORD, p. 146) has precipitated one of the keenest struggles in Japan's constitutional history. Under the present law the franchise is limited to men over twenty-five years of age whose direct tax exceeds three yen (about $1.75), thus practically excluding the entire body of labor, farm laborers and mechanics. At the formal opening of the Diet on December 23 Premier Hara expressed the willingness of the government to meet the desires of the people respecting the matter of suffrage. Accordingly three separate measures extending the present limits were presented by the Kensei-Kai (imperialist opposition) and other opposition parties. When the measures came up for debate on February 14 the government opposed action on the suffrage on the ground that the time was not opportune. Violent scenes ensued among the members of the House, and the people tried to break into the Chamber. For a fortnight following, widely organized demonstrations in favor of suffrage extension were carried out in Tokio, accompanied by many dramatic incidents, including attacks on prominent individuals and official residences. On February 26, just before the hour arrived for final consideration of the bills, the Premier, after expressing doubt whether the demand for universal suffrage was really made by the majority of the people, produced an imperial **decree dissolving the Diet.** In many circles it was reported that the suffrage measures as drafted would have met defeat and that the real reason for dissolution was the government's fear of further attack on its Siberian policy. Prior to the suffrage debate the cabinet had been shaken by its inability to reduce high prices and by criticisms of its policies relative to national defence, taxation and foreign affairs. — In the **new elections,** held in May, the Seiyu-Kai (government party) won 265 seats; the Kensei-Kai, 119; the Kokumin-to, 29, and the Independents, 39. The suffrage agitation continued. — Ostensibly for the purpose of checking the spread of Bolshevism, Japan has taken control of Eastern Siberia (see *supra,* p. 122). — A recent massacre of the Japanese garrison at Nikolaievsk caused great indignation in Tokio, where a gathering of 20,000 persons vehemently demanded the resignation of Premier Hara.

TURKEY. — Political affairs have centered in the all-important questions of the Turkish **Peace Treaty** and the territorial integrity of the empire. Late in July rumors of the proposed partition of Thrace

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and the creation of a free state of Constantinople led to a demand by the Young Turks that Damad Pasha, Grand Vizier, be ousted on account of his alleged failure at Paris; the Sultan declined to remove him. Finally, the landing of additional Greek and Italian troops at Smyrna and Adalia, together with the seizure of Konieh, an important railroad center in Asia Minor, by the Nationalist insurgent, Mustapha Kemal Pasha, early in October, caused the downfall of the pro-Entente ministry. This was succeeded by a Nationalist cabinet led by General Ali Riza Pasha as Grand Vizier. The new government at once made preparations for the holding of parliamentary elections, but the Nationalists immediately set up a rival government at Angora and issued a proclamation demanding application of President Wilson's fourteen points to the settlement of the Turkish problem, promising protection for the lives and property of all persons, irrespective of race or religion, and opposing foreign intervention. The rebels soon had control of the greater part of **Anatolia** and by January 1 were reported to have an army of 300,000. It later developed that the Turkish Minister of War, Djemal Pasha, was secretly aiding the insurgents, and his resignation was demanded by the Allies, who apparently were opposed to any movement which threatened their respective spheres of influence. During the winter the general situation grew constantly worse; the Sultan was hard pressed by the Allies on one side and by the Nationalists under Mustapha Kemal Pasha on the other, and he was unable to secure any assistance from the Chamber, which was composed of three distinct groups: the "New Unionists", supporters of the Anatolian movement; the "Old Unionists", the National covenanters; and the Independents. No group had a working majority, and, partly in consequence, the cabinet seldom met. On March 2 the **ministry resigned,** and a government somewhat more favorable to the Allies was constructed under **Salih Pasha** as Grand Vizier, but this proved as helpless as its predecessor; **Armenian massacres,** attacks on foreign troops and activity by the Nationalists continued. In the hope that conditions might be stabilized an Anglo-Franco-Italian army occupied Constantinople on March 16, and the Turkish government was informed that such occupation would continue until the terms of the Peace Treaty had been accepted and executed; at the same time many Nationalist leaders were placed under arrest. After holding office one month the Salih Pasha cabinet fell, and a new one, headed by **Damad Pasha,** succeeded it on April 6. This cabinet has accomplished little.

OTHER ASIATIC AND AFRICAN STATES. — **Armenia, Azerbaijan** and **Georgia,** the three new republics in the Caucasus, have experienced considerable difficulty in adjusting their boundary disputes. Charges of territorial encroachment resulted in armed conflict between Armenia and Azerbaijan, but on November 23 they agreed

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to arbitration. On May 22 President Wilson accepted the Allied invitation to fix the boundaries of Armenia. All three republics were conceded *de facto* recognition by the Supreme Council on January 13. During the year thousands of **Armenians** have been **massacred.**—Much objection has been manifested in Persia to the **Anglo-Persian Treaty** (see *supra*, p. 15).—The Council of Premiers has been greatly annoyed by the attempts of Prince **Feisal,** son of the King of the Hedjaz, to establish an independent Arab kingdom including **Syria.** — In **Somaliland** Mohammed Abdullah, who for nearly twenty years has opposed foreign intervention, suffered decisive defeat in February.

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